

cannot notice any communication unless accompanied by the name and address of the writer.

Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher.

THE SOLICITORS' JOURNAL.

LONDON, SEPTEMBER 1, 1860.

CURRENT TOPICS.

Parliament has been prorogued, after an unusually long and laborious Session, of which but a small portion was occupied with measures relating to the law. The results of the Session in this department received a proportionately small degree of notice in the Queen's Speech, which appears, however, sufficiently to denote their character and importance in the following passages.

"Several Acts have been passed for legal reform which must lead to the more satisfactory administration of justice." The Lord Chancellor, in giving utterance to this modest sentiment on behalf of the Crown, must have felt its contrast with the more eulogistic tone of the estimate which he had recently delivered from the same place on behalf of himself and the House of Commons.

We hope in an early number to present to our readers an impartial review of the law amendments of the past Session, with a view of arriving at a just appreciation of their general effect on the progress of our jurisprudence.

On Tuesday last Lord Palmerston, the Attorney-General, and the Solicitor-General, attended by a surgeon, were observed making personal inspection of the proposed site for the new law courts and offices, which includes the ground situated between Bell-yard, New-street, Lincoln's-inn, Clement's-inn, and the Strand. His Lordship and the learned gentlemen, with the assistance of a plan, made a careful and minute examination of the various buildings which at present occupy this site, traversing some of the narrow alleys and passages which are the only thoroughfares through the area.

The Attorney-General appeared to take great pains pointing out to Lord Palmerston the nature of the property, and in explaining to his Lordship the proposed alterations. The space of ground in question is at present mostly occupied by houses of a very bad kind, in a very dilapidated state of repair, and inhabited chiefly by a population of the poorest and lowest description. The removal of these habitations from the centre of London would alone be a measure of great sanitary improvement, and the new buildings might be made a noble addition to the architecture of the metropolis. During the enforced detention of the party by a heavy shower of rain under shelter of an archway in Clement's-inn, the Attorney-General took the opportunity of indoctrinating his lordship with the merits of the proposed scheme for the concentration of our courts of law. The Attorney-General has been well known, from the first, as an earnest and enlightened advocate of this grand and beneficial scheme; and we hope he has now engaged the influence of Lord Palmerston in the same cause. His lordship appeared to take a great interest in the matter and paid great attention to the observations of the Attorney-General, and he must have obtained during his inspection a large amount of practical information on the subject, which will, no doubt, assist him to an accurate judgment when the matter comes before Parliament.

In two recent numbers of our Journal will be found a correspondence between Mr. John Miller and "A London Attorney," which raises a question

of law of considerable importance to solicitors, with respect to the legal relation of attorney and agent. It appears from the letter of Mr. Miller, that he sent a writ of summons to an attorney in the country as his agent, for service only, who served the writ, and received payment of the debt and costs from the defendant in the action. Mr. Miller, not being able to obtain this money from his agent, applied to the Court of Queen's Bench for a rule, calling upon him to show cause why he should not pay over the money. The application was heard in the Bail Court by a single judge (Mr. Justice Hill), who refused the application on the ground, as stated by Mr. Miller, that there was no precedent for an attorney invoking the summary jurisdiction of the Court against his own agent. "A London Attorney," in reply to the letter of Mr. Miller, expresses his opinion that the sooner such a precedent is made the better, and appears to question the decision, as reported by Mr. Miller, either in point of law or of fact. He suggests that the real grounds of the decision have been mistaken, and that, as the delivery of a writ to an agent for service does not authorize him to receive the money, Mr. Miller probably failed to prove the agency. He cites the case of *Yates v. Freckleton*, which decides that payment by the defendant to an attorney employed merely to serve the writ, will not be a payment to the plaintiff or his attorney. This case, however, does not seem quite decisive of Mr. Miller's view; because, though it decides that the plaintiff and his attorney may repudiate payment, and the pretended authority of the agent under which it was made, it becomes a materially different question where the plaintiff or the attorney insists, as Mr. Miller did, upon the payment being valid, and the agent being held to the pretence under which he obtained the money. It has been already decided that the client may compel delivery of the money from the agent under such circumstances. In the case of *Robbins v. Fennell* (11 Q. B. 248), where the relationship of attorney and agent will be found much discussed, and all the cases on the subject referred to and examined, the Court decided, after deliberation, that where an attorney, who is employed in a cause, employs an agent, there is, in general, no privity between the client and the agent, so as to entitle the client to recover from the agent, as money had and received to his use, the proceeds of the cause, which the agent has received in the ordinary course of his business; but that if it appears that such proceeds have been received by the agent without authority, the Court will exercise its summary jurisdiction over the agent as an attorney, to compel him to pay over the proceeds to the client. And the Court further said, that although the agent could not be held liable to the client in an action unless some contract existed between them, the Court would be desirous of inferring such liability from circumstances for the purpose of exercising its summary jurisdiction over its officers to enforce justice according to the equity of each individual case. It appears, then, that in Mr. Miller's case, if his client had applied for the rule instead of himself, he would have been successful. It will probably be safer, however, to wait for some fuller account of the grounds of Mr. Justice Hill's judgment before accepting it as a decision that the attorney is not entitled to the assistance of the summary jurisdiction of the Court against his own agent. The attorney is answerable to his client, and in general, solely answerable for the misconduct of his agent; and it seems hard to deprive him of the same security for good conduct and strict performance of duty on the part of his agent as an attorney, which prevails under other circumstances. It is said that there is no precedent for such an application; but this does not conclude the question or preclude the necessity for good reasons for refusing it. Precedents of cases similar to that described by Mr. Miller, we hope, are very scarce. The greatest portion of agency business is carried on in London, and is conducted by

large houses with extensive connections, of old standing and of undoubted respectability, which are well known both as to name and locality. The London agent, indeed, would generally be dealt with on the same footing of confidence as the attorney in the cause. The services of a country agent are less frequently required and for more limited purposes. As, however, it becomes necessary in many cases to employ one, and probably on each occasion in a different direction, it is very important to obtain the best possible guarantee of the character and position of the persons in whom it is thus compulsory to repose confidence. We coincide, therefore, entirely with both our correspondents in the suggestion made by Mr. Miller, that it would be a great improvement in the *Law List* to shew at a glance the various places in which country attorneys profess to practise, in order that those who require their services might, at least, form some judgment of the chances of finding them at home.

SUITORS IN CHANCERY AND THE SUITORS' PROFIT FUND.

In a preceding number we explained the origin and present state of the Sutors' Profit Fund in Chancery, and we considered the title to that fund of the suitors from whose money it had arisen. We then came to the conclusion that, upon the strictest and most scrupulous principles of abstract justice, those suitors could make no title to this fund, nor show any pretension to the consideration of Parliament in its disposal, and that the fund existed at present entirely discharged of all claims from that quarter.

Another claim, however, is preferred to this fund, and one involving the disposal of the whole of it; which, as it is supported by some of the most authoritative witnesses before the Commission, and is pronounced to be valid by one of the Commissioners, must be deemed worthy of a full consideration. The Commissioner who maintains this claim, Vice-Chancellor Wood, has severed from the others in his report upon this point, and explains his views in a separate statement. We will endeavour with all fairness briefly to set forth this claim, together with the views and considerations on which it is based as they appear in the statement of the Vice-Chancellor, and in the evidence of the witnesses who support it; and for this purpose, as the claim is maintained on various grounds which are not always expressed in a precise argumentative form, and as there might otherwise be risk of an unintentional misrepresentation which we should regret, we shall take the liberty of using, so far as is convenient, the exact language in which we find it set forth in the Parliamentary Blue Book. We have also thought that as some of our readers may not have had an opportunity of examining the evidence given before the Commissioners, which was too lengthy to publish with the Report in this Journal, they may be glad to have placed before them the opinions of some of the principal witnesses.

We notice at the outset that the Vice-Chancellor, though opposed to the appropriation of the Profit Fund for the building of courts, does not insist upon any claim on the part of the individual suitor to the profit made from the employment of his money. He seems inclined to favour such claim, provided it were possible to trace the interest of the suitor, but in the result agrees on this point with the other Commissioners, and with the conclusion arrived at on a previous occasion in this Journal. "I do not think it necessary," he says, "to insist on any abstract right being vested in the suitors of the Court of Chancery, whose money has been properly employed under the sanction of divers Acts of Parliament, to claim, either collectively or individually, any part of that profit."

The Vice-Chancellor objects to the appropriation of

the fund towards any other objects than are connected with the Court of Chancery, and tending to benefit the suitors of that Court for the future; and he considers that this purpose will be best fulfilled by diminishing the fees at present exacted.

In his judgment, the suitors in chancery have exclusively the right to the future advantages of this fund. He urges that the profit having been made from suitors' money, should be expended for their benefit; and that they would justly hold themselves aggrieved by the conversion of it to any other purpose. "On the contrary hypothesis," he says, "there would be an impression on the mind of every suitor that his money was impounded not so much for his own security, as for the purpose of trafficking with it for State objects, and that which he now regards as a valuable protection of his interests, would assume the equivocal shape of a Government speculation at his expense." This view of the question, it is evident, incorporates past, present, and future suitors in chancery in one body, and presents a claim on their behalf in this collective capacity to an application of the fund for their benefit. In this view it is considered immaterial that the former suitors who have contributed to the fund may derive no profit from such application; because it is not in their individual right that the claim is made.

The Master of the Rolls, between whom and Sir W. P. Wood there seems a perfect unanimity on this question, expresses precisely the same opinion in the following passages from his evidence:—"I do not go into the question of whether the Sutors' Fund has not really been raised by what I may call, perhaps, a little amount of extortion from the pockets of former suitors; but whether this be so or not, I think it ought to be applied in such a manner as would be most for the benefit of the suitors generally." "They are the only persons who appear to me to have any interest in it. It is true, to a certain extent, that in so treating it one invests the suitors with a sort of quasi-corporate character in so dealing with them; but this appears to me to be correct."

Now in seeking to work out the right and apply the money according to this view, the first question which occurs is, who are the suitors in Chancery? The nearest answer that we can suggest to this question is that, over and above the suitors *de facto* ascertained at any moment, every one is a possible suitor in Chancery. Every one may at his option prefer a suit, and is liable without any option to be sued, and so either with or against his will, he may become a suitor and has a contingent interest in the fund. The suitors in Chancery, collectively considered, are thus identical with the public. The public, it thus appears, is known amongst Chancery judges by the equivocal description of suitors in Chancery; and if it will assert its right in that character, it may avail itself of the powerful advocacy of the Master of the Rolls and of Vice-Chancellor Wood in support of its claim to this fund. The Vice-Chancellor, indeed, finds it "a humorous suggestion" that the so-called suitor in Chancery should be made to await the misfortune of becoming a suitor in another court before obtaining his share in the benefits of the fund.

The remaining question is, how to dispose of the fund in the most beneficial way for its owners? Here the public, if entitled to the fund at all, would seem certainly to be entitled to a preliminary right of choice, in the exercise of which it might or might not be disposed to agree with the advice of the dissentient commissioner in preference to that of the others. The Vice-Chancellor, it seems, entertains the opinion, in common with the Master of the Rolls and other jurists of the school of Bentham, that the administration of justice, equally with the police and military forces of the country, should be supported entirely by general taxation without the slightest expense to the actual suitors. This is an opinion concerning which we may find something to say in explanation on a future occasion, but which we

cannot pause at present to discuss. Assuming it, for the purpose of argument, to be well founded, we cannot see how it leads to the conclusion that it would be right and proper to apply this particular fund in remitting for the future the fees in the Court of Chancery. The fund itself has no connection whatever with fees. If it is wrong to exact fees from suitors in courts of justice, fees should be abolished at once in all courts equally, and at the public expense; and any sum so expended would be expended for as public a purpose as any purpose can be. It would fill the gap made by the remitted fees, which would otherwise have to be supplied by taxation of the public. If, on the other hand, it is right to levy fees on suitors in courts of justice generally, the suitors in the Court of Chancery can have no peculiar claim to exemption. In the latter case, supposing fees to be rightly exacted, by remitting those in the Court of Chancery, we should confer upon the quasi-corporate body of Chancery suitors a real pecuniary benefit. We should just give them so much money; and we are able to conceive how we could thus pay them a debt to which, it is maintained, they are entitled on another account. The argument, however, is that the benefit of the fund ought to be administered to them in the form of a remission of fees, because fees are unjustly exacted. It seems to us that according to this plan the suitors would be receiving compensation for their alleged wrong with their own money, and would be paid their alleged debt by a mere deliverance from a wrong. We have understood the Master of the Rolls and the Vice-Chancellor to maintain that the suitors are entitled both to the fund and also to the remission of the fees, upon totally different grounds; and we cannot follow them in the argument that by the substitution of the fund for the fees they will be restored to their full rights. We are, indeed, utterly at a loss to conceive how the question of the justice or injustice of the taxation of suitors can have any bearing on the questions of the claims to and disposal of the Sutors' Profit Fund; nor can we perceive any reason for introducing it into the controversy.

The Vice-Chancellor invokes for his separate statement the support of the evidence of the Master of the Rolls and of the Lord Justice Turner; and the views of the former, as we have seen, appear to coincide exactly on all points with those of the Vice-Chancellor. Let us now inquire how far the latter agrees with these views. The Lord Justice Turner arrives substantially at the same conclusion, but by a different road. His opinion will be best exhibited in the following passage from his evidence:—"From the time of George the First down to the present time, there has been a series of Acts of Parliament directing the investment of portions of the Sutors' Fund, and directing the appropriation of the dividends of the funds so invested; and every single appropriation which I can find upon any one of those Acts of Parliament has been for the benefit of the suitors of the Court of Chancery, and for their benefit only. And so far has this gone that by one of the Acts (1 & 2 Vict. c. 54), power was given to the Lord Chancellor to make orders for the investment of any part of the suitors' general cash in securities, and to appoint additional clerks and officers, if it was thought necessary, with general power to give them such salaries out of the Sutors' Fund as his lordship, with the advice of the Lords of the Treasury, should think fit; so that there is a general power given to the Lord Chancellor to direct an investment out of the Sutors' Fund for the purpose of providing new officers for the Court of Chancery. It seems to me, I confess, that independent of the original right which the suitors of the Court of Chancery would have to the fund, from the fact of its being derived from their monies, these Acts of Parliament constitute an appropriation of all the Sutors' Funds for the benefit of the suitors in the Court of Chancery."

To the question of Mr. Young, one of the Commissioners, "Might not the same power which made the appropriation, consistently with moral justice, alter the appropriation, if it saw fit?" his lordship answers:—"I do not deny the power of Parliament to do it, but I do not think it can, consistently with moral justice, apply it for other purposes than for the benefit of the suitors."

By suitors his lordship of course means prospective suitors; and the question of Mr. Young becomes especially pertinent:—"Do you apprehend that the money I paid in a suit thirty years ago was ever in my mind, or in the mind of any being, devoted to the profit and convenience of the suitors after I was dead and buried?" It is fair to give his lordship's answer:—"Perhaps not; but I apprehend that the Acts of Parliament have appropriated it to the benefit of those who are to come after you. Besides, it is surely not unjust that those who have had the benefit of the Court should give the Court, and those who are interested in it, the profit which has resulted from that benefit."

The Lord Justice Turner thus rests the case entirely on the present statutory appropriation—a quite definite ground, if not a quite tenable one. For in the first place a large portion of the fund is in fact unappropriated to any greater extent than being subjected to a power in the Lord Chancellor to apply it to meet the appointment of new officers, to which, of course, there is a very narrow practical limit; and, what is more to the purpose, to admit a just parliamentary control over the fund is to admit that it is justly applied at present to a purpose, which is undoubtedly a public one, and, therefore, that it is justly convertible to any other.

It is impossible not to perceive the tendency of the policy advocated by the Chancery Judges. The appropriation of a large sum of money to the benefit of the suitors in their courts must necessarily offer a strong inducement in the litigant public to frequent those courts in preference to the courts of law, wherever a concurrent jurisdiction renders it possible. There is a traditional rivalry between the courts of law and equity, which has been stimulated recently by the proposed fusion of the two jurisdictions—a proposal by which each court appears to apprehend that its own jurisdiction will be swallowed up in that of its rival. Under these circumstances the policy in question partakes somewhat of the colour of the arts practised by the directors of competing railway companies, who in the struggle for the exclusive occupation of a common territory, throw out branches in all directions, and arrive by all sorts of circuitous routes at the same termini, and as a last resource cheapen their fares with the view of withdrawing the traffic from the rival line. So it appears now to be considered as part of the office of a good judge to amplify his jurisdiction, not merely by supplying extended remedies, but also by offering them at a cheap rate.

While we take the liberty of pointing out the unquestionable effect of the policy of diminishing fees in Chancery in attracting suitors to that court, we beg entirely to disavow the intention of imputing this as the motive of its present advocates. The Master of the Rolls and Vice-Chancellor hold the exaction of fees from suitors to be unjustifiable, and would avail themselves of a fund belonging to the suitors to remove the stigma of this injustice from their own courts; only leaving other courts to consult for their own interests in the same matter in the best way they can, if the State will not entertain the question in the interests of all. We may, however, fairly presume from the memorial lately published with the signatures of the Chancery judges, that they are strongly convinced of the superiority of their own process in the administration of justice, and that they have a strong prepossession in its favour inspired by its intrinsic merits, which would actuate them with an honourable zeal in the cause of their own courts, and in maintaining their position

against the rival procedure. It seems, therefore, necessary to call to mind, with respect to this controversy, that no fair conclusion can be drawn as to the merits of the two systems without a fair field for their operation, and that the diversion of suitors from the courts of law to the courts of equity, by an artificial reduction of fees in the latter, would tend to confuse the elements of a sound decision, and would moreover, on general grounds, be plainly detrimental to the cause of justice.

We should not be doing justice to this great question or its leading advocate, if we took leave of it without any mention of Sir Richard Bethell; and we sincerely regret that our limits prevent us from exhibiting the enlightened views which he expressed before the commission in a few extracts from his evidence. Suffice it to say, that Sir Richard Bethell grounds his recommendation of the concentration of the courts on the highest possible reasons—reasons to which even convenience, if opposed, should yield. He sets forth in the clearest light the public benefits that would accrue from a constant intercommunion between the judges and the practitioners of all the courts, and from a general and extended familiarity with the administration of justice in all its forms. He shows, moreover, how it would form a great measure of legal education in the largest sense of the word, both to the bench and the bar, the solicitors and the students. He points out with accuracy the considerations of practical convenience which would be satisfied by a concentration of the courts, and feelingly describes the inconveniences at present arising from their wide dispersion, not forgetting the agony of the anxious solicitor as to the whereabouts of his counsel. Finally he appreciates exactly but does not sympathize with the scruples of the equity judges as to the financial question, maintaining that a fund resulting from the procedure of the Court of Chancery is a public fund, and may be dedicated, with legal and moral propriety, to public purposes.

The Courts, Appointments, Promotions, Vacancies, &c.

NORTHERN CIRCUIT.—LIVERPOOL.

CIVIL COURT.—(Before Mr. Baron WILDE.)

Stewart v. Thornley.—August 24.—This was an action brought against the defendant for having, as attorney for the plaintiff, and in that character, without her assent, compromised an action for an assault for £7.

The defendant pleaded that the plaintiff had assented.

It appeared that the plaintiff was in the position of an "unfortunate woman," and went into the bar of a public-house in Lime-street, Liverpool, and, it was alleged, being the worse for drink, she created some disturbance, which led the barman, named Goodman, to attempt to turn her out. In doing this he violently kicked her on the thick part of the thigh, and she appealed to the persons present who had been witnesses of the assault, to give her their cards and be her witnesses. The defendant was one of the persons present, and gave her his card, informing her that he was an attorney. The defendant subsequently brought an action for the plaintiff as her attorney, in the Liverpool Court of Passage, in which he was the principal witness of the assault, and also of the injury it had inflicted on the plaintiff, the kick having burst a varicose vein. On delivering the brief for the plaintiff to counsel in the Passage Court, the defendant was strongly advised to settle the action. The defendant accordingly attempted to settle the action, and the then defendant Goodman agreed to give £5 damages and £2 costs, which the present defendant, as the attorney for the plaintiff, accepted, as he alleged, by the direction and request of the plaintiff. On the other hand, the plaintiff stated that she had distinctly refused to settle the action for £7, and when she heard that it was settled she flew into a violent rage about it. The question raised in the present action was whether the defendant in settling the action did so without the plaintiff's authority as alleged.

His LORDSHIP, having summed up the evidence on this issue, directed the jury that if they found for the plaintiff, the plaintiff was entitled to be placed in the same position as she would have been in the first action, and to recover such compensation as she would then have been entitled to, together with damages for the inconvenience and trouble she had been put to by reason of the defendant having acted as he had done without her authority.

The jury found a verdict for the plaintiff—Damages, £40.

BRISTOL DISTRICT COURT OF BANKRUPTCY.

(Before Mr. Commissioner HILL.)

Re Wyld.—August 25.—An important question as regards foreign bills of exchange arose under this bankruptcy. The bankrupt carried on an extensive business as a wine and spirit merchant at Bristol, and had large dealings with Messrs. Otard, Dupuy & Co., the eminent brandy and wine exporters of Cognac. Before the failure, which took place on the 11th of September, 1857, the bankrupt had accepted a bill at three months' date for £772 4s. 6d., drawn on him by Messrs. Otard & Co. This bill on arriving at maturity was dishonoured, but was paid by Mr. William Hopton Wyld, a son of the bankrupt, for the honour of the acceptor. In December, 1857, a claim was admitted on the estate for this amount, and on Monday last Mr. J. D. Coleridge, of the Western Circuit, appeared in support of an application by Mr. W. H. Wyld to convert this claim into a proof. Mr. H. T. Cole, on behalf of the assignees, resisted the application. The subjoined judgment, which was delivered to-day, embraces a summary of the facts of the case, and of the grounds on which the claim of Mr. W. H. Wyld was supported and opposed.

Mr. Commissioner HILL.—This was an application on the part of Mr. William Hopton Wyld that his claim, already on the file, against the estate of John Hopton Wyld for the sum of £772 4s. 6d., should be admitted as having been established in proof. The claim arose as follows:—John Hopton Wyld was the acceptor of a bill drawn upon him for value by Messrs. Otard, Dupuy & Co., of Cognac, in France. When this bill arrived at maturity it was dishonoured, but, prior to the bankruptcy, was taken up and paid by the claimant for the honour of the acceptor. By agreement between the claimant and the assignees the right of the former to prove against the estate was left to arbitration, the precise question submitted to the arbitrator being whether the claimant could prove as holder of the bill. The arbitrator decided that the claimant had no such right, and the award still remains in force. It was urged, however, on behalf of the claimant, that the award which (as it ought to do) rigorously pursues the exact terms of the submission, had not precluded the applicant from establishing his proof for money paid to the use of the bankrupt. The arbitrator, a gentleman at the bar, was so good as to attend to give any admissible explanation of his award, and (subject to the question of admissibility) he stated that had the terms of submission permitted him to entertain the claim for money paid, the result would have been different, his reason for deciding against the claimant as the holder of the bill being that it had not been protested before it was taken up, which in the case of a foreign bill of exchange he considered, upon the authorities, a condition precedent to any right to recover upon the bill. The payment, it was admitted by Mr. Coleridge, was purely voluntary, and the rule of common law which precludes a person from making himself the creditor of another without the consent of that other was not disputed. It was also admitted that the law-merchant, which engrafts an exception upon the common law in favour of the payment of foreign bills of exchange for honour, only applies where the preliminaries enjoined by the law-merchant have been duly observed. It was further conceded that if the terms of the submission had been large enough to enable the arbitrator to consider the case in all its aspects, the claimant must have been bound by his decision, whatever it had been. But it was contended, that whether the statement of the arbitrator could be acted upon by the Court, or whether it must be put aside as inadmissible, yet that the claim for money paid was a distinct and substantial demand, and was not barred by the award, which was limited to the bill. And, further, on my expressing a doubt whether an award which only barred a claim in one aspect was a decision binding on the Court which had to consider the other aspect of the case, it was contended that, assuming the question to be still open, the view taken by the arbitrator upon the bill was erroneous; and the case of *Hoare & others v. Casenove & another* (16 East. 391), was cited

to show that the reason of the rule in the law-merchant was to afford proof to the party to be charged by a payment for honour that default had really been made in the due payment of the bill at maturity, and, if so, that when the acceptor himself was the party to be charged by a payment for honour, the rule had no application, since the acceptor cannot require proof of his own default. No case in point, it was said, could be found on the books, because in all the instances reported the party to be charged was other than the acceptor, and therefore only liable in case of his default, of which default the party to be charged had a right to the proof by protest as contemplated by the rule. I am, however, of opinion, first, that if the two claims—the one upon the bill, and the other for money paid—are substantially distinct, the award which has been made in respect of the first will operate as a bar so far as regards all claim on the bill; and that if, in truth, they are not distinct claims, but only different forms of the same claim, then that the demand for money paid must be barred by the award on the bill. This latter alternative is, I think, the true one. If the payment for honour had been made, in the opinion of the learned arbitrator, strictly in pursuance of the law-merchant, he would have decided in favour of the holder. On the other hand, if the volunteer can recover by reason of his payment irrespective of the bill, it seems to me that the provision in the law-merchant would be wholly set aside. I am driven to this conclusion, whether I agree with the learned arbitrator or differ from him, and also whether I admit or exclude his explanation, because, his award being still operative, I must conclude him to have adjudged that in some way or other (no matter what) the claimant has failed to comply with the requisitions of that law. But even if I were at liberty to review the decision of the arbitrator, I am not prepared to say that I should dissent from it, since the ground upon which a rule is founded is not necessarily commensurate with the extent of the rule itself. It may have been thought that since a protest could in no case be injurious, it was better that the rule should prescribe it in every case than that it should create doubts in the minds of mercantile men by admitting exceptions, and thus introducing complications into the affairs of commerce. Without going further, then, I am of opinion that this application cannot be granted. Nevertheless, I will assume that the two grounds of claim are distinct, for the purpose of considering the argument that was offered to the Court to prove that, although a purely voluntary payment creates no debt at law, it will have that effect in equity, and that equitable claims are provable in bankruptcy. That equitable claims are provable in bankruptcy is well settled, and that in equity a party may, under certain circumstances, make himself the creditor of another without the concurrence of the latter cannot be denied, because we know that a creditor may assign his debt to a stranger, and that after notice of such assignment to the debtor, payment to the assignor would be no answer to the assignee. Indeed, it may be said that the remedy given to the assignee by courts of law almost turns his equitable rights into legal rights. It was further argued that even a claim founded merely on moral obligation was sufficient to support the proof, and for that doctrine the case of *Barclay v. Gooch* (2 Esp. 571), was cited. The view taken by Mr. Coleridge of *Barclay v. Gooch* was, that it shows that where a volunteer pays money for another, for which that other was liable, he (the volunteer) can recover the amount as for money paid to the use of the debtor. But, upon looking carefully into the report, I think it will be seen that the only point really decided was, that where a creditor accepts from a third party a note of hand as payment of a debt, such note of hand is to be taken, as between that third party and the debtor, as a payment of money. From the tenor of the report I certainly should infer that the debtor had consented to the arrangement between the creditor and the third party, so that I do not consider *Barclay v. Gooch* to be a case in point. No doubt it has been decided that a moral obligation is a sufficient consideration to support a promise, which promise, when it is made, will support an action for its fulfilment (*Lee v. Muggersidge*, 5 Taunt. 36); but that a moral obligation will of itself sustain an action is a doctrine of which I can find no trace in our books. And even where a promise founded on a moral obligation has been given, if its fulfilment conflict with public policy, such promise cannot be enforced (*Young v. Timmins*, 1 Tyr. 226). Here, however, there was no promise, and I cannot but think that the assignees have a right to stand on the condition in the law-merchant, and that such a defence is as good in equity as at law. In conclusion, I may avow that, as the estate has had the benefit of Mr. William Hopton Wyld's payment, I should have been much better satisfied to decide for him than I am in deciding against him. But I have not been able to bring the principles

prevailing either in courts of law or courts of equity into harmony with what may be called the natural justice of the case.

Mr. George Frederick Carnell, of Sevenoaks, Kent, has been appointed a commissioner to administer oaths in the High Court of Chancery.

Mr. George Smith, of Leek, in the county of Stafford, has been appointed a commissioner to administer oaths in the High Court of Chancery.

Parliament and Legislation.

HOUSE OF LORDS.

Saturday, August 25.

ROMAN CATHOLIC CHARITIES.

This Bill having been read a third time, Lord MONTAGUE proposed an amendment in the shape of a proviso to one of the clauses. He observed that the Lord Chancellor had declared that the Bill made no change in the existing law relative to superstitious uses, and the proviso he moved would embody that declaration in a legislative enactment.

The LORD CHANCELLOR could only repeat what he had stated former occasion, that he considered the proposed amendment wholly unnecessary. He did not mention his opinion alone that the present Bill could not in the slightest degree affect the question of superstitious uses. Authority equal to his own in the other House had also held that the Bill could have no such construction or application. Moreover, it had been solemnly determined by the Judicial Committee in a judgment pronounced by Sir Herbert Jenner, one of our ablest judges, that there was no ground for saying that prayers for the dead were to be regarded as superstitious uses. To maintain that the building of a Roman Catholic church or chapel might be construed to be a superstitious use, because prayers for the dead were to be put up there, was absurd and extravagant. It might be said that the proposed amendment would, at all events, do no harm; but words that were unnecessary were not harmless, because, instead of quieting, they excited, doubts; and caused, instead of preventing, litigation. The Roman Catholics ought to be satisfied with the Bill as it stood, for it did all that could reasonably be expected for their benefit.

The amendment was negatived without a division, and the Bill was passed.

DIVORCE COURT.

TRUSTEES, MORTGAGEES, &c.

The amendments of the House of Commons to these Bills were agreed to.

Tuesday, August 28.

The session was brought to a close this day. The Lords Commissioners were, the Lord Chancellor, the Duke of Somerset, Viscount Sydney, Lord Stanley of Alderley, and Lord Montague. Sir Augustus Clifford, the Usher of the Black Rod, was sent to the Commons to desire the attendance of members. On the arrival of the Speaker and some other honourable members, the Lord Chancellor, who, with the other Commissioners, remained seated and covered during the ceremony, said that her Majesty, not thinking fit to be personally present, had caused a commission to be issued under the great seal for giving the royal assent to divers Bills which had been agreed to by both Houses of Parliament.

Accordingly the royal assent was signified in the usual manner to the following among other Bills:—Crown and Judgment Debts; County Coroners; Chancery Evidence; Offences within her Majesty's Possessions Abroad; Metropolitan Police Force (Dockyards); Endowed Charities; Law and Equity; Attorneys, Solicitors, and Certificated Conveyancers; Debtors and Creditors Act Amendment; Rifle Volunteer Corps; Court of Chancery; Roman Catholic Charities; Divorce Court; Trustees, Mortgagees, &c.

The LORD CHANCELLOR, with much deliberation and emphasis, then proceeded to read the Royal Speech, as follows:—

"My Lords and Gentlemen,

"We are commanded by her Majesty to release you from further attendance in Parliament, and at the same time to convey to you her Majesty's acknowledgments for the zeal and assiduity with which you have applied yourselves to the per-

formance of your important duties during the long and laborious Session of Parliament now about to close.

"Her Majesty commands us to inform you that her relations with foreign powers are friendly and satisfactory; and her Majesty trusts that there is no danger of any interruption of the general peace of Europe. Events of considerable importance are, indeed, taking place in Italy; but if no foreign powers interfere therein, and if the Italians are left to settle their own affairs, the tranquillity of other States will remain undisturbed.

"The proposed conferences on the subject of the cession of Savoy and of Nice to France have not yet been held. But her Majesty confidently trusts that, in any negotiations which may take place, full and adequate arrangements will be made for securing, in accordance with the spirit and letter of the Treaty of Vienna of 1815, the neutrality and independence of the Swiss Confederation. That neutrality and independence were an object to which all the powers who were parties to the Treaties of Vienna attached great importance, and they are no less important now than then for the general interests of Europe.

"Her Majesty commands us to assure you that the atrocities which have been committed upon the Christian population in Syria have inspired her Majesty with the deepest grief and indignation. Her Majesty has cheerfully concurred with the Emperor of Austria, the Emperor of the French, the Prince Regent of Prussia, and the Emperor of Russia, in entering into an engagement with the Sultan, by which temporary military assistance has been afforded to the Sultan, for the purpose of re-establishing order in that part of his dominions.

"We are commanded by her Majesty to inform you that her Majesty greatly regrets that the pacific overtures which, by her Majesty's directions, her envoy in China made to the Imperial Government at Peking did not lead to any satisfactory result; and it has, therefore, been necessary that the combined naval and military forces which her Majesty and her ally the Emperor of the French had sent to the China Seas should advance towards the Northern Provinces of China, for the purpose of supporting the just demands of the allied powers.

"Her Majesty, desirous of giving all possible weight to her diplomatic action in this matter, has sent to China, as special ambassador for this service, the Earl of Elgin, who negotiated the Treaty of Tien-tsin, the full and faithful execution of which is demanded from the Emperor of China.

"Gentlemen of the House of Commons,

"Her Majesty commands us to convey to you her warm acknowledgments for the liberal supplies which you have granted for the service of the present year, and for the provision which you have made for those defences which are essential for the security of her dockyards and arsenals.

"My Lords and Gentlemen,

"Her Majesty commands us to express to you the gratification and pride with which she has witnessed the rapid progress in military efficiency which her Volunteer forces have already made, and which is highly honourable to their spirit and patriotism.

"Her Majesty has given her cordial consent to the Act for amalgamating her local European forces in India with her forces engaged for general service.

"Her Majesty trusts that the additional freedom which you have given to commerce will lead to fresh development of productive industry.

"Her Majesty has given her ready assent to several measures of great public usefulness.

"The Acts for regulating the relations between landlord and tenant in Ireland will, her Majesty trusts, remove some fertile causes of disagreement.

"The Act for amending the law which regulates the discipline of her Majesty's navy has established salutary rules for the administration of justice by courts-martial, and for maintaining good order in the naval service. The Act bearing upon endowed charities will give means for a less expensive administration of the property of charities, and for the speedy and economical settlement of disputes affecting such property; while, by another Act, relief has been afforded to her Majesty's Roman Catholic subjects with regard to their charitable endowments.

"Several other Acts have been passed for legal reform, which must lead to the more satisfactory administration of justice.

"Her Majesty has observed with deep satisfaction the spirit of loyalty, of order, and of obedience to the law which prevails among her subjects, both in the United Kingdom and in her

dominions beyond sea; and her Majesty has witnessed with heartfelt pleasure the warm and affectionate reception given to his Royal Highness the Prince of Wales by her North American subjects.

"You will, on returning to your several counties, have duties to perform scarcely less important than those which have occupied you during the Session of Parliament, and her Majesty fervently prays that the blessing of Almighty God may attend your efforts, and guide them to the attainment of the objects of her constant solicitude—the welfare and the happiness of her people."

The Commission for proroguing Parliament was next read at the table; and the LORD CHANCELLOR, by virtue of the commission, declared the Parliament prorogued accordingly until Tuesday the 6th day of November, "to be then here holden." The Speaker and members of the Lower House having withdrawn, the ceremony of prorogation was at an end.

HOUSE OF COMMONS.

Saturday, August 25.

MARRIAGE LAW (SCOTLAND).

Upon the motion of Sir G. LEWIS the consideration of the Lords' reasons for disagreeing from the Commons' amendments to this Bill was postponed until Thursday, which practically amounts to the abandonment of the measure for this Session.

Tuesday, August 28.

NEW WRIT.

Upon the motion of Mr. WHITMORE, a new writ was ordered to issue for the election of a member for the borough of Ludlow, in the room of Colonel P. Herbert, who has accepted the Chiltern Hundreds.

SUPERSTITIOUS USES.

Sir G. BOWYER gave notice that next session he should move for leave to bring in a Bill to declare the law with regard to "superstitious uses."

Correspondence.

COUNTY COURT DELAY.

I to-day had occasion to issue a plaint in the City Sheriff's Court, and one in the Clerkenwell County Court. The former is to be heard on the 14th September, and the latter on the 23rd October.

Can you or any of your readers explain this great and important discrepancy, or give any practical reason why the Sheriff's Court should be so fast, and the Clerkenwell County Court so slow?

In my opinion such things ought not to be.

August 27.

SOLICITOR.

BILL OF EXCHANGE ACT.

A. is indebted to B. in the sum of £25, the amount of a bill of exchange of which B. is the indorsee. He is also indebted to him in the sum of £8 for money lent. Can you or any of your readers inform me whether B. can sue A. upon the bill under the Bill of Exchange Act, and maintain a separate action or plaint for the money lent, or whether he is bound to join the two causes of action in a writ under the Common Law Procedure Acts? This is a matter of consequence now in the long vacation, as under the Bills of Exchange Act the plaintiff could obtain judgment in twelve days; but under the Common Law Procedure Acts the defendant could enter an appearance, and thus throw the plaintiff's next step (the declaration) over until the 24th October, a very serious delay.

August 27.

LEX.

The Provinces.

HUDDESFIELD.—On Thursday morning, the 23rd inst., the remains of Mr. Armitage, one of the oldest magistrates of this borough, were followed to the grave by a large body of his fellow townsmen, including the magistracy, clergy, commis-

moners, merchants, and tradesmen. The procession was preceded by the county and borough police, in full force, and closed with a long string of private carriages.

LEEDS.—An application on behalf of a married woman was made a few days since to the borough magistrates, for a protection order under the Divorce and Matrimonial Causes Act on the ground of desertion. It appeared that the husband was, in the year 1856, convicted of felony and sentenced to four years' penal servitude. It was contended that inasmuch as the separation consequent upon the sentence was the result of the husband's misconduct, it was a desertion within the meaning of the Act of Parliament. The magistrates, having taken time to consider, stated that with every desire to assist the wife by protecting her against her husband's interference as to her earnings, they felt that it was not a case of voluntary desertion within the statute; and they must, therefore, refuse the application.

NEWCASTLE.—On Tuesday, the 21st ultimo, the Volunteers of Newcastle, Gateshead, and the Felling, attended in large numbers in the Lecture Hall, Nelson-street, to hear the lecture of Captain Hans Busk on "Rifle Corps and Rifle Shooting." The chair was taken at eight o'clock by Sir John Fife. Captain Hans Busk having alluded to the circumstances which had first led to the formation of volunteer corps, and given a few brief suggestions relative to improvement in position drill, proceeded to treat at some length on the construction and method of using the rifle. He pointed out the inferiority of the old smooth bored "Brown Bess," and of the improved rifles said the one known as Jacob's rifle, manufactured by Daw, of Threadneedle-street, was nearer perfection than any weapon that had ever been produced. He explained the method of breech loading, and in proof of the excellence of the implement he instanced the fact that 1,800 rounds of ammunition had been fired from the weapon he held in his hand, and which had since been only wiped with a piece of oiled cloth. The course of a bullet from a rifle was lucidly explained, as being affected by three forces—first, the propelling force of the powder; second, the resistance of the air; and thirdly, the attraction of gravitation: the combined influences of which had the effect of causing the bullet to fly through the air in a curved line. Hence arose the necessity for volunteers to become well acquainted with judging distance drill, which was of the utmost importance. The leading points of his address were illustrated by diagrams, and the lecturer concluded by a few remarks on the utility of rifle volunteers. After the usual compliments to the lecturer and the chairman, the meeting separated.

OTLEY.—The County Court for this district was held in the Grammar School, at Otley, on Monday, the 20th ultimo, before J. J. Lonsdale, Esq., the judge. There were no cases of interest to the public, but the judge, immediately before the commencement of business, complained of the great want of proper accommodation for holding a court at Otley, and expressed his regret that the district could not have a similar court house to those recently erected at Skipton and other places in the county. Considering the importance of having the business of these courts properly transacted, it was matter of surprise that the inhabitants of this district do not press their claims upon the Treasury for a suitable court-house.

SOUTH STAFFORDSHIRE.—The writ for the election of coroner for the division of South Staffordshire, over which the late Mr. Hinchcliffe presided, has been sent down to the High Sheriff, and the election will probably take place next week. As between this date and the election very serious expenses would have been incurred by the candidates, the chances of both were calmly considered, and it was agreed that Mr. Jackson, one of the candidates, should therefore retire. It has been evident for some time that the weight of influence was on the side of Mr. Hooper, and Mr. Jackson having carefully considered his chances, arrived at the conclusion that further opposition would be unwise, and with the certainty of defeat before him, unseemly. It is said that Mr. Hooper will appoint Mr. Jackson Deputy Coroner, and thus give assurance to Mr. Jackson's friends that the late contest will leave behind it no personal or professional hostility.

Ireland.

DUBLIN.

It is rumoured that the following appointments and resignations are likely to take place shortly:—

The Attorney-General to be a Baron of the Exchequer, in room of Mr. Baron Greene, who retires, owing to continued ill-health.

The Right Hon. Abraham Brewster, Q.C., to be Lord Justice of Appeal, in the place of Lord Justice Blackburne, who also resigns from ill-health.

The Solicitor-General, Mr. O'Hagan, Q.C., to be Attorney-General; and Mr. Serjeant Lawson, the Castle adviser, to be Solicitor-General.

Mr. Richard Armstrong, Q.C., to be Serjeant; and Mr. Charles Hare Hemphill, Q.C., to be Castle adviser.

The following gentlemen have been respectively named to fill the office of Master in Chancery, vacant by the resignation of Mr. Acheson Lyle.

Mr. David Lynch, judge of the Bankruptcy Court; Sir Colman O'Loughlin, Q.C., chairman of County Mayo; Mr. W. Berwick, judge of the Bankruptcy Court; and Mr. Robert Andrews, Q.C., chairman of County Cork.

It is also stated that Mr. John L. O. Ferral, Commissioner of Metropolitan Police, is about to retire, after twenty-four years' service, and to be succeeded by Captain D. O'Connell, M.P., as Assistant or Second Commissioner of Police.

THE STIPENDIARY MAGISTRACY.

Another vacancy in the roll of stipendiaries has been created by the death of Mr. Thomas Brereton, one of the oldest magistrates in the service, who died on Thursday, the 23rd ult., at Boyle, in his 74th year.

SLIGO ELECTION.

We understand that a petition has been lodged against the return of Francis Macdonogh, Q.C., M.P.

Foreign Tribunals and Jurisprudence.

FRANCE.

At the Correctional Tribunal of Angers, a person calling himself Jules Barbier was accused of various fraudulent practices. In December last, it appears that the prisoner arrived at Angers, and presented himself to a most respectable citizen as M. J. Barbier, a man of letters, and author of several popular dramatic pieces, among others the "Pardon de l'hermel."

For some time the *pseudo homme des lettres* led a most agreeable life, lionized and feted by all the principal citizens, and freely using their purses when necessary. But there is always a catastrophe in these cases; and at length poor M. Barbier was discovered. The commissioner of police made his appearance at a dinner party, and requested him to accompany him, inasmuch as the procureur imperial was desirous of seeing him. Nemesis had at length overtaken him—the slow-footed punishment was at length at the skirts of the criminal.

The subsequent inquiries of the ministers of justice brought to light quite an interesting series of adventures of which M. Barbier was the hero, and the *substitut* in opening the case for the prosecution gave a biographical sketch of the accused which might form a *pendant* to the adventures of Gil Blas or Guzman d'Alfarache. In 1850, being then twenty years of age, he marries. In 1853, he is charged with forgery, but acquitted. In 1857, however, his genius begins to develop itself; he persuades two credulous speculators that he has discovered the remains of a Roman city in Kabylia, and as their agent for the purchase of this city in *tabibis*, he receives the sum of a thousand francs. Of course, they never see him again. His *coup*s then succeed each other rapidly. He is seen mystifying agas and emptying the pockets of merchants;—now, on board a steamboat, he feigns sickness, and having gained admission to the captain's cabin, he empties his money-box. Tailors, boot-makers, jewellers, tradesmen of all kinds, are victimised by him; he spares no one, not even an old schoolfellow, who takes him in from pure charity. Every now and then the police think they have caught him, but *presto*—some *diablerie* takes

place, and they find that he has vanished. Considerable amusement was caused during the trial by the evidence of the real M. Jules Barbier, who gave a most comic account of the disagreeable complications produced by this assumption of his name. How his parents remonstrated with him, his friends began to look cold on him, and the wife of his bosom grew jealous of him. How defrauded tradesmen called to receive the small amounts of their bills, and frail credulous women called on him to redeem his broken vows.

Despite the protestations of the accused that he was a most respectable member of society, and that the police were quite mistaken, the Court thought it best that M. Barbier should remain in prison for the next six years of his life, and before six more years subject to the surveillance of the police.

In the Civil Tribunal of the Seine, an action was brought by a woman and her husband to recover damages for the communication of a contagious disease by the child of the defendant to whom the female plaintiff had been nurse. The medical man who had attended the plaintiffs was also included in the action, for not having warned the plaintiff of the consequences of nursing the child. The doctor was exonerated on the ground that he had in the first instance only *suspicious* of the nature of the malady, and therefore did not feel himself bound to take any decisive measures; but the parents of the child were held to be liable to the plaintiffs for the injury done to their health, and were condemned to pay the sum of five thousand francs.

In the Civil Tribunal of the Seine, an action was lately brought by a M. Audeval, *homme des lettres*, against two brother authors, M. Blum and M. Thibout, to recover damages for the appropriation of the name of a dramatic piece which the plaintiff claimed for his own, on the ground that he was first on the field. It appeared in evidence that La Petite Pologne, the name in question, is a quarter of Paris corresponding to our St. Giles's or Seven Dials, and that the plaintiff had some years since produced a piece bearing that title; but the Court held that he had no right of action, inasmuch as the title of a work, and especially of a dramatic work, could not be the object of an exclusive property, when the title was not the produce of the imagination of the claimant, but had been borrowed by him from a well-known denomination, such as the name of a place or *quartier*.

M. A. . . ., a millionaire, residing in one of the most splendid hotels of Paris, was lately brought before the Civil Tribunal of the Seine, at the suit of the purveyor who supplied his establishment. It appeared that at the head of the household of M. A. . . . was a steward, or major-domo, who ordered all the viands which were consumed in the house. M. A. . . . deposed that he was in the habit of calling all the bills of the establishment weekly, and of paying over to his steward the amount, leaving him to settle with the different tradesmen; that, in point of fact, he (M. A. . . .) had nothing whatever to do except to pay the amount to his steward, who ordered the goods, and received the money to pay for them. The Court held that, under these circumstances, the plaintiff had no remedy against the master, who was exonerated by payment to his servant.

Mdlle. Melina D. . . . died in 1855, leaving two natural children: after her decease, the children remained along with their guardian (*tuteur*), under the care of the parents of their mother, until 1856. At this time, however, the guardian withdrew them, and refused to allow the grandparents to have any intercourse with the children, grounding their exclusion on the rights derived from his character as guardian. The grandparents accordingly summoned the guardian before the Civil Tribunal, to show cause why they should not have reasonable access to the children, alleging that, although the Legislature, with a view to morality, and from the favour due to marriage and the ties of family, does not acknowledge any relationship between natural children and the progenitors of their father and mother; yet that it does not ignore certain relations founded on the natural law, that this is shown by the law which prohibits marriage between such persons. The Court acquiesced in the plaintiffs' view, and ordered that they should be permitted to visit the children at certain stated times.

M. Seme, proprietor of the Trois Rois Hotel, at Bale, brought an action in the Tribunal of the Seine against the

gerant and editor of the *Siècle*, for a libel published in that paper. The libel was as follows:—"The Dowager Empress of Russia, says the *Avenir*, will be at Nice in the beginning of October. She is now at Interlaken. She has shown that, however rich princes may be, they do not like to pass under the Caudine Forks of the innkeepers. The hotel of the Trois Rois at Bale, where she stayed two years ago, charged 17,000 francs for one night. The proprietor expected another visit, having heard of her Majesty's arrival in Switzerland; but the Czarina, before her departure from St. Petersburg, organized a system of defensive strategy. She has six *chefs de cuisine*, who precede her on her journey and prepare her repasts. Accordingly, at Bale the imperial dinner was prepared and served in the refreshment room of the station." The Court decided that, considering that it appeared that the facts stated in the article were inexact, that the Empress of Russia had passed three days at the Hotel des Trois Rois, and had not paid the sum mentioned by the *Siècle*, and that by alleging that the Empress of Russia did not wish to pass under the Caudine Forks of the innkeepers, and had organised a defensive system against them, the *gerant* of the *Siècle* had injured the reputation of M. Seme; for these reasons M. Seme was authorised to insert the judgment of the Court in the *Siècle* and five other journals at his option.

The Civil Tribunal of the Seine has lately decided that the owners of furnished lodgings are liable to their lodgers for any robbery committed which might have been prevented by the exercise of ordinary vigilance on the part of the lessor; and that the liability of the owners of furnished lodgings is in this respect similar to that of innkeepers.

An interesting will case, involving a question of secret trust, has just been decided by the Civil Tribunal of Claremont (Oise). The late Marquis de Villette, a very wealthy nobleman of ancient family, who died on the 3rd June of last year, left a will, dated 8th of April preceding, thus conceived:—"I, Charles Villette, Marquis de Villette, die in the bosom of the Roman Catholic Church. I institute for my universal legatee my dear old friend the Count Breux-Brés, Bishop of Moulins. In case he will not, or cannot, receive my legacy, I institute for my universal legatee my dear cousin, Léon Cordier de Montreuil." After some bequest to servants, the testator said:—"All the articles of furniture and the works of art in my chateau of Villette shall not be sold, but are to remain as they are now placed as long as the chateau shall be in the hands of my universal legatee. This collection is the work of three generations." By a codicil dated the 27th May, he substituted M. Alfred de Montreuil for M. Léon de Montreuil, the former being the son of the latter. The action brought before the tribunal was instituted by M. Alfred de Montreuil, and the object of it was to have the will declared invalid on the ground that the bequest made by it to the Bishop of Moulins was not meant for the prelate personally, but was intended to be handed over by him to the Count de Chambord, and that a bequest of that kind is expressly prohibited by the French law. Supposing the will to be declared invalid, M. A. de Montreuil maintained that the codicil was still good, and that, consequently, the property of the testator, estimated at not less than 4,000,000fr., came to him. To make out that the Bishop of Moulins was only, in the testator's intention, a trustee for Count de Chambord, the following facts were stated:—"The late marquis always entertained an attachment to the elder branch of the Bourbon family, and he even adopted as his motto *Toujours fidele, Toujours fidele!* The Revolution of 1830 increased rather than diminished that attachment. The death of the Duke de Bourbon just after that event produced a profound impression on his mind, and he was always convinced that it was caused by crime not by suicide. On the arrest of the Duchess de Berry, he offered himself as a hostage for her, and wrote letters to her and other members of the family, expressing unbounded devotedness. One of these letters was thus conceived:—"Disgusted with mankind on account of the crime of 1830, I intended to offer my services to their Majesties. But of what use would an humble subject have been? I retired to private life, blessing and adoring always the successor of our kings. He fills all my thoughts; all my affection is fixed on him. He is my life! The Queen alone is higher than he!" In 1836 he consulted an eminent judge, M. Berard-Desglieux, as to whether he could not leave his fortune to the Count de Chambord, but he was told that the count being excluded from France by a law of 1832, was incapable of inheriting, and that to leave the fortune to another in trust for him would be invalid. Notwithstanding, he drew

up in that year a will, in which, after saying, "I declare on my soul and conscience that the Prince de Condé did not commit suicide, and that his death is the result of a crime," he added, "I die in endeavouring to execute the intention of the Prince de Condé, which was well known to me, of leaving his property to the Duke de Bordeaux and to his sister Mademoiselle. In consequence, in dying, I supplicate H.R.H. Henry of France to accept the offer which I make of all my real and personal property existing at my death." Annexed to this will was a letter to the Duke de Bordeaux, which terminated thus—"I have no children—I leave a little property—deign to accept the offer of it. Oh! do not reject this respectful supplication!" Subsequently he wrote to M. Bernard-Desglajoux to say that in order to cause his property to reach the Duke de Bordeaux, he had by a new will left it to one of his relatives, who would fulfil his intentions, and had at the same time made a second will, explaining what he wished. In 1840 he went to Goritz, and in an interview with the Count de Chambord, begged him to accept his fortune, to which his Royal Highness consented. He afterwards wrote to the prince:—"I have no children, monsignor, and I am therefore able to offer you the mite of a faithful subject. I made my will in 1836, but I feared that it would not be accepted by you. I have, therefore, made two wills—one being on account of the revolutionary acts, a trusteeship, &c." In subsequent years, numerous letters passed between him and the exiled royal family, all expressing his intention to leave the property to the prince. In 1849 and 1850 all his friends knew of his intention to leave the property to the prince, and one of them wrote him letters, in which his Royal Highness was spoken of as "the future owner of the Chateau de Villette." The testator, moreover, manifested great pleasure on learning that bequests had been made to the prince by Mme. Du Cayla and Count De Talara—a proof that his intention remained unchanged. In 1857 he consulted M. de Royer, then procureur-general, as to whether he could not leave his property to the Prince, and that gentleman in answer sent him the law of 1832, which declares Charles X. and his descendants for ever excluded from France, and that they cannot "possess or acquire any property real or personal in the country." He subsequently consulted other lawyers, and though they told him the bequest which he contemplated was illegal, he persisted in making it. He at length informed a friend that he had resolved on selecting the Bishop of Moulins as trustee for the Prince, and the friend said to him, "That will be a very bad choice. The devotedness of the Droux-Brézé family to the elder branch is well known, and everybody will suspect that a legacy to one of them is not real." Finally the draft of a letter written under his dictation to the Bishop had been found, saying, "I institute you, monsignor, my universal legatee, because you know my intention to have my fortune go to the Count de Chambord. It is a trusteeship which I confide to your friendship and uprightness. I beg General de la Rochejacquelein to present to you this letter, to thank you from the bottom of the tomb for the mission you will fulfil." From all these facts, M. Marie, the counsel of the plaintiff, contended that there was no doubt whatever that the testator had left his property to the Bishop of Moulins in trust for the Count de Chambord, and he then entered into a long argument for the purpose of showing that trusteeships are prohibited by law, and that they have been repeatedly set aside by the courts. M. Berryer pleaded for the Bishop of Moulins. After complaining, with some severity, of M. de Montreuil for attempting to disturb the will, the learned gentleman proceeded to contend that even supposing the Marquis de Villette had at one time intended to leave his property to the Count de Chambord, he, being of very changeable character, and finding, besides, the legal obstacles which existed to such a bequest, had come to the resolution to make the prelate his legatee. In proof of this he read several letters from the Marquis to the Bishop, one being thus conceived—"If you go to Paris, my dear Bishop, you will come to repose in my hermitage, which is yours. You know that I have left all to you by my will, and that I will now renew. I had at one time given it to your beloved brother, but as he is dead and you succeed him, it is to you, Count de Breux-Brézé, Bishop of Moulins, whom I institute sole heir of all my property, real and personal. By you at least my worship for my princes and for the august Marie Therese of France will be shared!" On the legal point of the question, the learned gentleman contended that the law of 1832 declaring the descendants of Charles X. incapable of holding property in France was a mere political measure never intended to be seriously acted on; and the proof of this was that the Count de Chambord actually possessed real property in France, and had several times pleaded before the courts.

The tribunal, in a judgment of great length, decided that though the Marquis de Villette had undoubtedly for many years entertained the intention of leaving his property to the Count de Chambord, there was not legal proof that when he made the will in favour of the Bishop of Moulins he had not completely abandoned that intention from the conviction that the bequest to the Prince would be illegal; and it said too that the various circumstances mentioned did not prove that the bishop had received the property on condition of transmitting it to his Royal Highness. The Tribunal accordingly rejected the action of M. de Montreuil.

THE REGISTRAR'S OFFICE.

The following correspondence has appeared in some of the daily papers in reference to the delay in drawing up the orders in the Registrar's office. The matter has already been discussed in this Journal; but the subject is of so much importance that we have thought it right to give the letter in full:—

"Sir,—The Lord Chancellor eulogizes the improved machinery of the Court of Chancery, and Vice-Chancellor Sir John Stuart lectures, in open court, a solicitor who presumes to publish a doubt as to the machinery being entire perfection. Probably the public may be enabled to form a just idea of whether the judge or solicitor is right when I give you an instance of what has just occurred in a suit in which I am solicitor for the plaintiffs.

"In the early part of June last, all parties having assented to the decree, and the minutes of the same having been prepared by counsel, the cause was heard by one of the Vice-Chancellors. The next step was to carry the minutes as drawn into the Registrar's office, to be converted into the formal decree of the Court. An attempt was made to do this, but (using the language of my agents) 'we were unable to get the decree passed before the closing of the offices; nothing can be done in this suit until next term.'

"Now, it happens that 'next term' is November, so that the estates cannot be sold and the money divided until some six months hence, caused solely by a delay which the judges assert does not exist. An interval of some two months elapsed between the pronouncing of the decree and the closing of the offices, and yet the pressure is so great that the decree cannot be passed, and the injustice I refer to is thereby caused.

"I do not blame the officers of the Court, as I believe it is the fact that they are overworked, especially in this particular department—the Registrar's office. But if the judges assume that the working of the Court has arrived at that state of perfection that no more reforms are needed, let them make inquiries, and they will find this is not a solitary instance of the hardships inflicted upon suitors by delays which their lordships probably are not aware of,—I am, Sir, your faithful servant,

"PLAINTIFF'S SOLICITOR."

A medical journal (the *Lancet*) has some observations in reference to the disposal of criminals removed from the bar by the finding of the jury that they are of unsound mind, and who have hitherto been ordered into confinement during Her Majesty's pleasure; and observes that the subsequent disposal of the prisoners in such cases is often capricious, unequal, and often cruel, and advocates have been advised to withdraw the well-grounded plea of unsoundness of mind from the record in defence, because the penalty of this misfortune would be far more severe than that for the offence charged. Again, ruffianly scoundrels, labouring under a temporary aberration at the time of trial, but subsequently recovering when under treatment at Bethlehem, have remained there sane among the insane, violent criminals among the helplessly afflicted, requiring personal restraint and the severity of prison rules in an institution which is devoted to the treatment and consolation of those mentally diseased. These anomalies, to which attention is directed, have now ceased to exist. An Act has just been passed to amend the Act regulating the Queen's Prison. Prisoners sent to Bethlehem Hospital under the former Act may now be removed, and be dealt with as if they were persons of sound mind, when it is certified that their reason is restored. All lunatics removed from Bethlehem Hospital to other places are to be under the provisions of the Lunacy Act.

A return just issued states that in their administration of the property which has come under their charge, the Ecclesiastical Commissioners have augmented 249 benefices by grants of capital sums amounting together to £241,977, and that they have

allotted to 1,178 benefices annual grants amounting together to £90,079. The dioceses that have had most are Lichfield, Ripon, and Manchester; those that have had least, Norwich, Ely, Hereford, and the Welch dioceses (except St. Asaph). A return made a few weeks ago showed that the sums which have been expended by the Commissioners upon bishops' residences amount to £57,702; they found three bishops (Manchester, Ripon, and Landaff) with no episcopal residence, and another (Lincoln) with none within the diocese.

The number of persons naturalized for the year 1860 in the Probate Court of Cincinnati, Ohio, was 1,026. Of these 294 were natives of Ireland, 121 from Bavaria, 114 from Prussia, 109 from Hanover, 83 from Wurtemberg, 69 from Baden, 19 from England, 29 from France, 26 from Germany, 24 from Oldenburg, 14 from Austria, 16 from Hesse Cassel, 16 from Hesse Darmstadt, 12 from Switzerland, 11 from Saxony, and 21 from unenumerated German principalities.

A census was taken of the colony of South Australia on the 1st of April last, by which it appears that the total population was 117,727. Of this total of 117,727, no less than 43,349 were born in the colony, 49,733 in England and Wales, 7,172 in Scotland, 12,128 in Ireland, 2,201 in other British possessions, 7,364 in Germany, 1,093 in foreign countries, leaving 122 not specified.

Births, Marriages, and Deaths.

BIRTHS.

COBBETT—On Aug. 20, the wife of John M. Cobbett, Esq., M.P., Barrister-at-law, of a son.

YOUNG—On Aug. 26, the wife of Charles Vernon Young, Esq., Solicitor, of a son.

MARRIAGES.

CARLISLE—HOLMES—On Aug. 25, the Rev. Charles Henry, son of the late Peter Carlisle, Esq., of Lincoln's Inn, Solicitor, to Sarah Hurrell, only daughter of Robert Holmes, Esq., of Whetstone, Middlesex.

CLEAVE—PHILLOTT—On Aug. 16, John Jones Cleave, Esq., of the Inner Temple, Barrister-at-Law, to Matilda Henrietta Hamilton, only daughter of the late Captain W. J. Philloft.

HARGROVE—AVID—On Aug. 22, James Sidney Hargrove, Esq., Solicitor, to Jessie, daughter of John Avid, Esq., of the Grove, Lee.

KING—ROBINSON—On Aug. 22, Mr. Edwin H. King, Stationer, Stockport, to Sarah Halding, eldest daughter of the late Isaac Robinson, Esq., Solicitor, Manchester.

KEMP—SANDFORD—On Aug. 28, William Francis Kemp, Esq., M.A., of the Inner Temple, Barrister-at-Law, to Julia Lane Grace Sandford, daughter of the late Sir Daniel Keyte Sandford, D.C.L., Oxon.

ORRIDGE—EVANS—On Aug. 21, Robert Orridge, Esq., of the Middle Temple, Barrister-at-Law, to Margaret Moule, daughter of Frederick Mallett Evans, Esq., of Whitefriars.

DEATHS.

ASHTON—On Aug. 26, aged 47, Robert John Ashton, Esq., Solicitor, of 9, New Inn.

ATWOOD—On Aug. 27, John Atwood, Esq., Solicitor, of 25, Poultry, London, and formerly of Aberystwith, Cardiganshire, aged 30.

BASNETT—On Aug. 24, aged 70, Edward Basnett, Esq., Solicitor, of Sericestreet, Lincoln's Inn.

BROWNE—On Aug. 27, aged 28, Edmund, son of the late John Browne, Esq., of the Middle Temple, and Brownstown, county Mayo.

CHILD—On Aug. 23, Francis Child, Esq., Solicitor, in his 71st year.

DENTON—On Aug. 26, aged 49, Hughes Ridgway Denton, Esq., of the Middle Temple, Barrister-at-Law, and one of Her Majesty's Justices of the Peace for the county of Denbigh.

FRY—On Aug. 27, Peter Wickens Fry, Esq., Solicitor, of No. 80, Cheap-side.

HINDLEY—On Aug. 27, Clara Janet, wife of Douglas Pucknett Hindley, Esq., Solicitor, of Old Jewry-chambers.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

BRADFORD, JAMES ROBERT, a Private 14th Light Dragoons, £253 15s. 11d. Consols.—Claimed by JAMES ROBERT BRADFORD.

CANNING, HENRY, Gent., Stanstead, Essex, £315 12s. 10d. Consols.—Claimed by HENRY CANNING.

CRANE, JONATHAN, Gent., Bromley, St. Leonard's, Middlesex, ROBERT HANBURY, Brewer, Christ Church, Middlesex, and JOHN POWELL, Vintner, Whitechapel-road, £55 Consols.—Claimed by ROBERT HANBURY, the survivor.

FARLEY, JOHN, Gent., Guildford, Surrey, £100 Reduced.—Claimed by JOHN HYDE, HANDY BORTH, HENRY HOWARD, and JAMES NEWMAN.

GOVETT, Rev. ROBERT, SARAH GOVETT, his wife, and MARTHA CLEMENTINA GOVETT, Spinster, Staines, Middlesex, £633 12s. 11d.—Claimed by MARTHA CLEMENTINA HALLWARD, wife of Rev. John Leslie Hallward (formerly the said Martha Clementina Govett, Spinster), the survivor.

Deeds at Law and Next of Kin.

Advertised for in the London Gazette and elsewhere.

DAVIES OF POWELL. A Welsh gentleman wanted of one of the above names. About 42 years ago he came to London, either to study law or physic. He was very intimate with the late Mr. Williams, a Solicitor,

No. 3, Cook's-court, Carey-street. Himself or representatives to apply to Z. Mr. King's, 12, Moreton-terrace, Kentish-town.
SPOONER, GEORGE, formerly of St. Thomas's, Southwark, who (in 1844) was at Sydney, in New South Wales. Himself or representatives to apply to his sister, Esther Spooner, 3, Salisbury-place, Turnham-green.

English Funds and Railway Stock.

(Last Official Quotation during the week ending Friday evening.)

ENGLISH FUNDS.		RAILWAYS—Continued.	
Bank Stock	99 1/2	London and Blackwall ..	60
3 per Cent. Red. Ann. ..	99 1/2	Lon. Brighton & S. Coast ..	110 1/2
3 per Cent. Cons. Ann. ..	99 1/2	Lon. Chatham & Dover ..	49
New 3 per Cent. Ann. ..	99 1/2	London and N.-Wstrn. ..	99 1/2
New 2 1/2 per Cent. Ann. ..	99 1/2	Ditto Eighth ..	12 1/2
Consols for account ..	99 1/2	Ditto London & S.-Wstrn. ..	57
Long Ann. (exp. Apr. 5, 1885) .. .. .	..	Man. Sheff. & Lincoln. ..	49
India Debentures, 1858 ..	..	Midland	124 1/2
Ditto 1859 .. .. .	..	Ditto Birm. & Derby ..	101
India Stock	218	Norfolk	57
India Loan Scrip. .. ..	..	North British	63 1/2
India 5 per Cent. 1859 ..	103 1/2	North-Eastn. (Brwck.) ..	59
India Bonds (£1000) ..	8 dis.	Ditto Leeds	96
Do. (under £1000) .. ..	..	Ditto York	81 1/2
Exch. Bills (£1000) ..	1 pm.	North London	105
Ditto (£500) .. .. .	..	Oxford, Worcester, & ..	..
Ditto (Small) .. .. .	..	Portsmouth .. .. .	..
RAILWAY STOCK.		Scottish Central	116
20 Stock Birk. Lan. & Ch. Junc.	80	Scot. N. E. Aberdeen ..	33
Stock Bristol and Exeter ..	105	Stock .. .. .	..
Stock Caledonian	98 1/2	Do. Scotch. Mid. Sk. ..	89 1/2
Stock Cornwall	69	Shropshire Union	53
Stock East Anglian	17 1/2	South Devon	44
Stock Eastern Counties ..	53 1/2	Stock South-Eastern ..	86 1/2
Stock Eastern Union A. Stock	42	Stock S. Yorkshire & T. Dun	62
Stock Ditto B. Stock	30	Stock Stockton & Darlington	39
Shrs. East Lancashire .. ..	..	Stock Vale of Neath	60
Stock Edinburgh & Glasgow ..	81 1/2	Lines at fixed Rentals.	
Stock Edin. Perth. & Dundee	30	Stock Buckinghamshire ..	99
Stock Glasgow and South-	..	Stock Chester and Holyhead ..	53 1/2
Stock Western	109	Stock Ditto 5 1/2 per Cent. ..	127
Stock Great Northern	114 1/2	Stock Ditto 6 per Cent. ..	114
Stock East Anglian	17 1/2	Stock East Lincoln, guar. 6	..
Stock Ditto B. Stock	137	per Cent	141
Stock Gt. Southn. & Westn. (Ireland)	113	50 Hull and Selby	111
Stock Great Western	70	London and Greenwich ..	120
Stock Lancaster and Carlisle ..	..	Ditto Preference	63
Ditto Third .. .. .	..	Lon. Tilbury, Stihnd ..	93 1/2
Ditto New Thirds .. ..	..	Shrewsbury & Herefd. ..	108
Stock Lancash. & Yorkshire	108 1/2	Stock Wilts and Somerset ..	64

Estate Exchange Report.

AT THE MART.

By Messrs. FLEW, LEWIS, & TEAGUE.

Lease and Goodwill of the Business Premises, No. 22, Clare-street, Claremarket; held for an unexpired term of 10 1/2 years, at a rent of £36 per annum; in which an extensive trade as a Cheesemonger has been carried on.—Sold for £480.

By Messrs. DEBENHAM & TEWSON.

Leasehold Residence, known as "Malda Hill College," Aberdeen-place, St. John's-wood; let on lease at £130 per annum; held for a term of 63 years unexpired; ground-rent, £10 18s 0d per annum.—Sold for £1,150.

Freehold Dwelling House, No. 10, Artillery-street, Bishopsgate-street Without; let at £76 per annum.—Sold for £650.

Freehold, Four Houses with Shops, Nos. 92, 93, 94, and 94 1/2, Wentworth-street, Commercial-street, Whitechapel; let at £104 per annum.—Sold for £200.

Freehold House, No. 2, Hungerford-street, Commercial-road East; let at £14 6s 0d per annum.—Sold for £100.

Freehold House, No. 30, Hungerford-street, Commercial-road East; let at £14 6s 0d per annum.—Sold for £100.

Freehold House, No. 30, Hungerford-street; let at £15 12s 0d per annum.—Sold for £130.

By Messrs. PETER BROAD & PRITCHARD.

Leasehold Premises, Nos. 109, 110, and 111, Southwark Bridge-road (late "Messrs. Brooks' Candle Factory," comprising spacious warehouses, factories, lofts, cellars, stabling, large yard, and 2 private dwelling houses; estimated annual value, £298; held by several leases at ground-rents amounting to £110 per annum.—Sold for £1,000.

By Mr. C. J. BAKER.

The Beneficial Lease of a House and Shop, situate in Holborn, at a rent of £32 per annum.—Sold for £290.

By Messrs. EDWIN FOX & BOUNFIELD.

Leasehold Residence (with possession), No. 43, Carlton-hill-villas, Camden-road, Camden-town; term, 90 years from December, 1855; ground-rent, £22 per annum.—Sold for £1,220.

Leasehold Residence, No. 16, Carlton-hill-villas; held for same term and ground-rent.—Sold for £800.

Freehold House, No. 37, King-street, Drury-lane; let on lease at £36 per annum.—Sold for £320.

Freehold House and Shop, No. 5, Church-street, Chelsea; let at £26 : 2 : 0 per annum.—Sold for £330.
 Leasehold Residence, No. 25, Albion-place, Bells Pond, Islington; let at £21 : 0 : 0 per annum; term, 72½ years from Michaelmas, 1848; ground-rent, £2 : 10 : 0 per annum.—Sold for £100.
 Leasehold House, No. 1, Edward-street, Caledonian-road, King's-cross; term, 94½ years, from June, 1846; ground-rent, £5 per annum.—Sold for £180.

By Mr. DANIEL WATNEY.

Freehold Ground-rent of £5 per annum, arising from 4, Oswald-place, Edmonton, Middlesex.—Sold for £165.
 Freehold House, No. 3, Oswald-place; let at £20 per annum.—Sold for £250.
 Freehold House, No. 2, Oswald-place; in hand.—Sold for £255.
 Freehold House, No. 1, Oswald-place, with Dairy, Garden, Outbuildings, &c.; let on lease at £19 : 10 : 0 per annum.—Sold for £205.
 Freehold Plot of Building Ground, High-road, Edmonton, containing ¼ of an acre; let on lease at £5 per annum.—Sold for £250.
 Freehold ¼ of an acre of Building Land adjoining the last lot; let on lease at £5 per annum.—Sold for £245.
 Freehold House, No. 2, Marmaduke-place, Marmaduke-street, Cannon-street-road, St. George's-in-the-East; let at 4s. per week.—Sold for £145.
 Freehold House, No. 6, Nelson-street, Hackney-road; let at £17 per annum; term 27 years from Lady-day last; Ground-rent £4 per annum.—Sold for £100.

By Mr. R. KIDWELL.

Freehold and Leasehold Tavern, known as the "Crown and Anchor," opposite the pier, and near the railway station, Blue-town, Sheerness, Kent; let at £160 per annum.—Sold for £1,810.

By Mr. TOOTELL.

Freehold 4a. 1r. 34p. of Arable Land, with dwelling-house and buildings thereon, situate on the High-road, Minster, in the Isle of Sheppey, Kent.—Sold for £400.
 Freehold 6a. 0r. 7p. Arable Land, known as "Chequer's Field," High-road, Minster.—Sold for £350.
 Freehold 4a. 0r. 28p. of Arable Land, in the parish of Minster; let on lease at £6 per annum.—Sold for £200.
 Freehold 7a. 1r. 26p. Pasture-land and a shaw, High-road, Milstead, Kent; let at £10 per annum.—Sold for £700.
 Freehold Cottage and 1a. 0r. 4p. of Pasture Land, called "Holly Bush Farm," High-road, Milstead, Kent; let at £5 per annum.—Sold for £300.

By Mr. JOHN M. DEAN.

Leasehold Houses, Nos. 13 to 20, Swanscombe-street, Barking-road, Plaistow; let at £198 per annum; term, 95 years from Christmas, 1860; ground-rent, £2 : 10 : 0 each house.—Sold for £1,085.
 Freehold House, on the road from Upton to Plaistow, Essex.—Sold for £280.
 Freehold Corner Plot of Building Ground, having a frontage of 60 ft. to Chandos-road, and 75 ft. to Edmund-road, Stratford, Essex.—Sold for £100.

By Mr. FURBER.

Leasehold Houses, Nos. 220 and 222, King's-road, Chelsea; let at £66 per annum; term 41 years from December, 1860; ground-rent £12 : 12 : 0 per annum.—Sold for £245.

AT GARRAWAY'S.

By Mr. ROBERT REID.

Leasehold Residence, No. 59, Tachbrook-street, Belgrave-road, Pimlico; let at £45 per annum; term, 74½ years, from Ladyday, 1849; ground-rent, £8 per annum.—Sold for £455.
 Leasehold Premises and Residence, No. 25, North Audley-street, Grosvenor-square; let at £73 : 10 : 0 per annum; term, 27 years from Ladyday, 1860; ground-rent, £40 per annum.—Sold for £345.
 Leasehold Residence, No. 36, Erompton-row, Brompton, and a Three-wal Stable and Coachhouse, with Dwelling-room over in the rear of Erompton-row; let at £70 per annum; term, 3 years from Midsummer day, 1860; ground-rent, £8 per annum.—Sold for £110.

By Messrs. WARTLES & LOVEJOY.

Leasehold Public House, the White Lion, Avery-row, Brook-street, Grosvenor-square; let on lease at £100 per annum; also a dwelling and a plot of ground, Avery-row; the whole held for a term of 41 years from Ladyday, 1851; renewable for ever every 14 years, on payment of a fine certain of £31 : 10 : 0 and the expenses, and subject to an annual ground-rent of £4 : 10 : 0.—Sold for £2,430.

Lease of the "Gate House Tavern," situate at the junction of the four roads leading to Barnet, Hampstead, Holloway, and Kentish Town, in the centre of Highgate; term, 10 years from Christmas next, at a rent of £130 per annum.—Sold for £200.

Leasehold Residence, No. 4, Charlwood-place, Churton-street, Pimlico; term, 77½ years from Midsummer, 1849; ground-rent, £3 : 10 : 0 per annum.—Sold for £300.

By Mr. W. H. MOORE.

Freehold Dwelling House, No. 11, Upper Cleveland-street, Fitzroy-square; let at £45 per annum.—Sold for £520.
 Freehold House and Baker's Shop, No. 7, Wellington-road, Grafton-road, Kentish-town.—Sold for £650.

By Messrs. CHAWTH & DEATH.

Freehold Residence, main road from London to Cambridge, Enfield-high-way, with 4 gden, sheds, stables, coach-house, blacksmith's shop, foreman's cottage, wheelwright's shop, cattle-sheds, and other land. The whole containing 10a. 1r. 14p.—Sold for £3,860.
 Freehold 4a. 3r. of Arable Land, Belcher's-lane, Enfield.—Sold for £500.

By Messrs. HIND & SON.

Freehold Property, No. 9, Chamber-street, Leaman-street, Whitechapel. Comprising a stack of warehouses, yard, outbuildings, and a dwelling-house; let at £50 per annum.—Sold for £755.

Leasehold Houses, Nos. 26 to 31, Charles-street, Stepney; let at £123 per annum; term, 33 years from Lady-day last; ground-rent, £24 per annum.—Sold for £620.

Leasehold House, No. 31, John-street, Church-road, St. George's-in-the-East; let at £19 : 10 : 0 per annum; term, 33 years from Midsummer last; ground-rent, £2 : 10 : 3 per annum.—Sold for £135.

Leasehold House and Shop, No. 35, Wellington-street, Charles-street, Waterloo-town, Bethnal-green; let at £20 per annum; term, 59 years from Christmas last; ground-rent, £7 per annum.—Sold for £180.

By Messrs. ELLIS & SOX.

Leasehold Premises, known as "The British Sperm Candle Company's Works," situate in the Fairfield-road, Bow, Middlesex; it occupies an area of about 4½ acres, and comprises lodges, a large plot of ground in front of the works, a large brick building, being the offices of the company, laboratory, paved yards, two coal stores, steam-boiler house, a brick shaft, melting room, tallow store, palm oil melting house, plot of vacant ground with frontage to the old Ford-road, press room, engine room, sorting room, re-melting room, spacious moulding room, polishing room, four candle store rooms, an extensive range of brick buildings, comprising stabling for six horses, cart house, harness room, carpenter's shop, filtering room, bleaching ground, &c., also the whole of the plant, utensils in trade, tenants fixtures, and the valuable good will; held for a term of 82 years, from Lady-day, 1860; at a ground-rent of £50 per annum.—Sold for £10,500.

Leasehold Residence, No. 1, Dover-place, New Kent-road, with large garden in the rear; let at £54 per annum; term 13½ years from Midsummer, 1860; at a peppercorn rent.—Sold for £370. fixtures included.
 Leasehold House, No. 252, Bethnal-green-road.—Sold for £70.

London Gazette.

Professional Partnerships Dissolved.

FRIDAY, Aug. 31, 1860.

METCALF, RICHARD, & RICHARD HUDDLESTON HODGSON (Metcalfe & Hodgson), Attorneys-at-Law & Solicitors, Kelghley, Yorkshire, by mutual consent. July 29.

Windings-up of Joint Stock Companies.

LIMITED IN BANKRUPTCY.

TUESDAY, Aug. 28, 1860.

PATENT WOOD OR FIBROUS SLAB COMPANY (LIMITED).—Commissioner Fonblanque order to wind up.

FRIDAY, Aug. 31, 1860.

LIMITED IN BANKRUPTCY.

MITRE GENERAL LIFE ASSURANCE, ANNUITY, AND FAMILY ENDOWMENT ASSOCIATION.—Petition to wind-up, presented on Sept. 19, will be heard before Mr. Commissioner Holroyd, Basinghall-street, Oct. 16, at 12.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Aug. 28, 1860.

BEVAN, HANNAH, Loughborough-lane, Brixton, Surrey (who died on Nov. 30, 1859). Jupp, Solicitor, Carpenter's Hall, London-wall, London. Sept. 28.

BRASIER, ROBERT, Farmer, Shawley, Worcestershire (who died on Oct. 29, 1851). Walcott, Solicitor, Stourport. Sept. 29.

DUCK, WILLIAM, Bricklayer, 23, Great Portland-street, Middlesex, and 10, Rochester-square, Camden-town (who died on Jan. 12, 1860). Booth, Solicitor, 4, Gray's-inn-square. Six weeks from the date hereof.

GREGORY, JOHN SWARBRECK, Esq., 1, Bedford-row, and 35, Great Cumberland-place, Hyde Park, Middlesex (who died on July 23, 1860). Gregory, Skirrow, & Rowcliffe, Solicitors, 1, Bedford-row, London. Oct. 1.

HORNET, SPENCER HORSEY DE, Esq., formerly of 8, Upper Grosvenor-street, Middlesex, and late of 20, St. James's-place, Middlesex, and West Cowes, Isle of Wight (who died on or about May 20, 1860). Thomson, Pickering, & Styan, Solicitors, 4, Stone-buildings, Lincoln's-inn, Middlesex. Oct. 20.

LEIGH, THOMAS, Commission Agent, Manchester (who died on Jan. 5, 1860). Partington, Solicitor, Townhall-buildings, King-street, Manchester. Sept. 29.

MABELL, STEPHEN, Waterman, Stourport, Worcestershire (who died on June 11, 1860). Walcott, Solicitor, Stourport. Sept. 29.

PICKERING, RICHARD, Victualler, formerly of Liverpool, but late of Kirkdale, Lancaster, Cart Owner (who died in Jan. 1860). Kaye & Weld, Solicitors, 12, Castle-street, Liverpool. Oct. 10.

FRIDAY, Aug. 31, 1860.

BISHOP, SAMUEL, Gent., Newenden, Kent (who died on or about Nov. 13, 1856). Munn & Mace, Solicitors, Tenterden, Kent. Oct. 15.

GREENHILL, THOMAS, Silk & Hat Merchant, St. Pierre les Calais, France, before that, Brewer's Assistant, London; before that, of Bolstead, Kent (who died on or about May 2, 1859). Munn & Mace, Solicitors, Tenterden, Kent. Nov. 1.

MATTISON, WILLIAM, Merchant, Diliham, Norfolk (who died on or about July 19, 1860). Wilkinson & Eaker, Solicitors, North Walsham, Norfolk. Oct. 27.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, Aug. 28, 1860.

LULLIN, ANN HOPE, Widow, late of Biere and Geneva, in the Republic of Switzerland (who died in or about June, 1858). Natrass v. Natrass, V.C. Stuart. Nov. 1.

NATTRASS, MARY ANN, Spinster, Brixton Rise, Surrey (who died in or about Jan. 1858). Goddard v. Natrass, V.C. Stuart. Nov. 1.

NATTRASS, SARAH, Spinster, Portland-place, Clapham-road, Surrey (who died in or about Jan. 1846). Natrass v. Goddard, V.C. Stuart. Nov. 1.

Assignments for Benefit of Creditors.

TUESDAY, Aug. 28, 1860.

EOAN, RODOLPHUS, Gun Maker, Bradford, Aug. 20. Trustees, T. Halliday, Joiner & Builder, Bradford; and T. Walton, Plumber, Bradford. Sol. Thornton, 16, Kirkgate, Bradford.

HARRIS, THOMAS, Mercer, Plymouth, Devonshire. Aug. 21. Trustees, G. Johnson, Cloth Merchant, Plymouth; and J. B. Rodier, Manchester Warehouseman, Exeter. Sol. Gard, Devonport.

HUGHES, DANIEL, and JOSEPH HUGHES, Haberdashers & Paper Dealers,

Bolton, Lancaster, and Doncaster. Aug. 9. *Trustees*, G. O. Luckman, and T. F. Palmer, Warehousemen, both of Manchester. *Sols.* Sale, Worthington, Shipman, & Seddon, Manchester.

LOCK, CHARLES THOMAS, Draper, Barking, Essex. Aug. 21. *Trustees*, J. Baggallay, Warehouseman, Love-lane; and A. Caldecott, Warehouseman, Chesapeake, London. *Sols.* 68, Aldermanbury, London.

MURTINGALE, JAMES, Linen Draper, Clapham-Old Town, Surrey, Aug. 9. *Trustees*, J. Odell, Warehouseman, Old Change, London, and P. Palmer, of Watling-street, London. *Sols.* Van Sandau & Cumming, 27, King-street, London.

RATNER, WILLIAM, Chemist & Druggist, Tamworth-street, Hulme, Lancaster. *Trustee*, J. Kidd, Wholesale Druggist, Coleman-street, London. E. Hankinson, Solicitor, 2, Essex-street, Manchester.

SMITH, FRANCIS DEARLEY, Paper Hanger, 5, Tarlington-place, Edgeware-road, Middlesex. Aug. 20. *Trustees*, J. G. Potter, Fater Hanging Manufacturer, 19, Cannon-street, London; and H. Gebhardt, Warehouseman, 24, Lawrence-lane, Chesapeake, London. *Sol.* Lee, 7, Gray's-inn-square, Middlesex.

TUCKER, RICHARD, Draper, Mortimer-street, Middlesex. *Trustees*, S. Copestake, Bow Churchyard, and S. Morley, Wood-street, London, Warehousemen. *Sol.* Reed, 3, Gresham-street, London.

WEST, WILLIAM, Draper, 12, London-terrace, Hackney-road, Middlesex. *Trustee*, F. Wollen, Woolen Warehouseman, Wood-street, Chesapeake, London. *Sol.* Turner, 68, Aldermanbury, London.

FRIDAY, Aug. 31, 1860.

ANDREWS, JOHN HOLMAN, Laceman, 135, Regent-street, Middlesex. Aug. 25. *Trustees*, S. Tawell, Warehouseman, 20, Aldermanbury, and Stafford; H. Northcote, Warehouseman, St. Paul's Churchyard, London. *Sol.* Sole, 68, Aldermanbury, London.

BECKLEY, RICHARD JAMES, Builder, 7, Colchester-terrace, Stratford, Essex. Aug. 2. *Trustee*, R. Drew, 4, New Basinghall-street. *Sol.* Drew, 4, New Basinghall-street.

CLARK, HENRY, Innkeeper, Coach & Horses Inn, High-street, Newport, Monmouthshire. Aug. 30. *Trustee*, R. Gregory, Brewer & Malster, Newport. *Sol.* Pain, Newport.

CRAFT, WILLIAM, Wholesale Grocer, Kingston-upon-Hull. Aug. 28. *Trustees*, E. Meggitt, Gent., Kingston-upon-Hull; T. Booth, Grocer, Kingston-upon-Hull. *Sols.* Bell & Leak, 16, Bowliay-lane, Hull.

LANLEY, THOMAS, Grocer, Beverley, Yorkshire. Aug. 17. *Trustees*, W. Kitchin & R. Lawson, Bank Managers, Beverley; T. Dawson, Gent., Great Driffield, Kent. Shepherd, Crust, & Todd, Beverley.

RAY, HENRY FIELD, & ROBERT DEEKS, Builders, Hamlet-road, Upper Norwood, Surrey. Aug. 24. *Trustees*, G. North, Plumber, Blackwall, Middlesex. *Sols.* J. & T. Gole, 49, Lime street.

ROBINSON, HENRY, Boot & Shoe Maker, Kingston-upon-Hull. Aug. 24. *Trustees*, W. Tesseymann, Currier & Leather Seller, Kingston-upon-Hull; J. B. Johnson, Currier & Leather Seller, Kingston-upon-Hull. *Sol.* Rollit, 18, Trinity House-lane, Kingston-upon-Hull.

STEPHENSON, DAVID, Boot and Shoe Maker, Wakefield. Aug. 24. *Trustee*, J. Meek, inn, Leather Merchant, York. *Sol.* Maden, Wakefield.

TERRELL, WILLIAM, Merchant, Liverpool. Aug. 27. *Trustees*, R. Holland, Merchant, Sheffield; G. Trumble, Estate Agent, Liverpool. *Sol.* Hill, Liverpool.

TYLER, JAMES, Stay Manufacturer, Dennett's-road, Queen's-road, Newcross (Tyler, Garney, & Co.) Aug. 23. *Trustee*, J. Cox, Warehouseman, Wood-street, Chesapeake. *Sol.* Turner, 68, Aldermanbury.

WARBURTON, ROBERT, ROBERT LEE, JOSEPH WARBURTON, & JOHN WARBURTON, Spindle Manufacturers, Werneth, Oldham, Lancashire (Warburton, Lee, & Co.) Aug. 22. *Trustees*, A. Kirk, Iron Merchant, Manchester; J. B. Howell, Steel Manufacturer, York; R. Buckley, Leather Dealer, Oldham; T. Milnes, Milwright, Oldham. *Sol.* Pankhurst, 3, St. James'-chambers, South King-street, Manchester.

WATSON, GEORGE, Currier, Bedale, Yorkshire. Aug. 10. *Trustees*, C. Other, Esq., Elm House, Yorkshire; R. Galsworthy, Leather Merchant, Leeds. *Sol.* Herring, Bedale, Yorkshire.

WATTS, ALFRED, Draper, High-street, St. Paul, Deptford, Kent. Aug. 24. *Trustees*, J. Baggallay, Love-lane, London; D. Smith, Warehouseman, Wood-street. *Sol.* Sole, 68, Aldermanbury, London.

WENCH, JOHN, Plumber & Glazier, Sheffield. Aug. 22. *Trustees*, J. Pitt, Lead Merchant, Sheffield; E. Sanderson, Sheffield. *Sol.* Unwin, 42, Queen-street, Sheffield.

Bankrupts.

TUESDAY, Aug. 28, 1860.

ALMOND, GEORGE, & RICHARD MANLOVE, Jun., Straw Hat Manufacturers, Luton, Bedfordshire. *Com.* Fomblanque: Sept. 12, at 11.30; and Oct. 10, at 1.30; Basinghall-street. *Off.* Ass. Stansfield. *Sols.* Mason, Sturt, & Mason, 7, Gresham-street, London. *Pat.* Aug. 22.

BEARD, FRANCIS, Builder, Weston-super-Mare, Somersetshire. *Com.* Hill: Sept. 10 and Oct. 8, at 11; Bristol. *Off.* Ass. Acraman. *Sol.* Pridenau, Albion-chambers, Bristol. *Pat.* Aug. 20.

BELL, WILLIAM, Miller, Urpeth Mill, near Chester-le-street, Durham. *Com.* Ellison: Sept. 6, at 11.30; and Oct. 12, at 12.30; Newcastle-upon-Tyne. *Off.* Ass. Baker. *Sols.* Harie & Co., 20, Southampton-buildings, Chancery-lane, London, and 2, Butcher-bank, Newcastle-upon-Tyne. *Pat.* Aug. 24.

BUTTS, MORRIS HINDLE, Worsted Spinner, Wakefield, Yorkshire. *Com.* Ayrton: Sept. 10, and Oct. 4, at 11; Leeds. *Off.* Ass. Hope. *Sols.* Wood, Bradford; or Cariss & Cadworth, Leeds. *Pat.* Aug. 18.

CASTELL, FRANK, Commission & General Merchant, 10, Bury-court, St. Mary Axe, London. *Com.* Holroyd: Sept. 11, at 1.30; and Oct. 9, at 12; Basinghall-street. *Off.* Ass. Lee. *Sols.* Lawrence, Plews, & Boyer, 14, Old Jewry-chambers, London. *Pat.* Aug. 27.

CORNS, JOSEPH, Soda Water Manufacturer & Confectioner, Stourbridge, Worcestershire. *Com.* Sanders: Sept. 14, and Oct. 5, at 11; Birmingham. *Off.* Ass. Kinneer. *Sols.* Plunkett, Westbromwich; or James & Knight, Birmingham. *Pat.* Aug. 27.

COTTON, JOHN, Boot & Shoe Maker, Smethwick, Staffordshire. *Com.* Sanders: Sept. 10, and Oct. 1, at 11; Birmingham. *Off.* Ass. Whitmore. *Sols.* Docker, Smethwick; or Reece, Birmingham. *Pat.* Aug. 24.

MULRENNAN, MICHAEL, Leather Dealer, & Boot & Shoe Manufacturer, 109, St. Dover-street, Southwark, Surrey. *Com.* Fomblanque: Sept. 8 and Oct. 5, at 12; Basinghall-street. *Off.* Ass. Graham. *Sol.* Simpson, 13, Wellington-street, Southwark. *Pat.* Aug. 27.

NEWTON, REUBEN, Silk Thrower, Bold-lane Mill, Derby. *Com.* Sanders: Sept. 11, and Oct. 2, at 11; Nottingham. *Off.* Ass. Harris. *Sol.* Preston, Pelham-street, Nottingham. *Pat.* Aug. 24.

PERKIN, WILLIAM, & PETER PERKIN, Boot & Shoe Manufacturers, Welling-

borough, Northamptonshire. *Com.* Fomblanque: Sept. 8, at 11.30; and Oct. 10, at 2; Basinghall-street. *Off.* Ass. Graham. *Sols.* Makins & Golding, 59, Lincoln's-inn-fields, London. *Pat.* Aug. 22.

POOLE, LEWIS ROBERT, & SAMUEL BRAY, Boot & Shoe Manufacturers, 504, New Oxford-street, Middlesex. *Com.* Fomblanque: Sept. 8, at 11; and Oct. 10, at 1; Basinghall-street. *Off.* Ass. Stansfield. *Sols.* Hemmings & Nicholson, 25, College-hill, London; and Dennis, Northampton. *Pat.* Aug. 22.

WALKER, THOMAS, Provision Dealer & Grocer, Birmingham. *Com.* Sanders: Sept. 7 and 28, at 11; Birmingham. *Off.* Ass. Whitmore. *Sol.* Southall & Nelson, Birmingham. *Pat.* Aug. 20.

FRIDAY, Aug. 31, 1860.

CLARE, JOSEPH, Tanner, Currier, Leather Factor, & Japanner, Kidderminster, and Bewdley, Worcestershire (Richard and Joseph Clarke). Adjudicated a bankrupt Aug. 17: and transferred from the Birmingham District Court of Bankruptcy, to the Court of Bankruptcy, London. Sept. 3, and Oct. 1, London. *Off.* Ass. Stansfield. *Sols.* Murray, Son, & Hutchins, 11, Birch-lane, London. *Pat.* July 6.

COTTON, JOHN (and not John Cotton, as advertised in last Tuesday's Gazette), Boot and Shoe Maker, Smethwick, Staffordshire. *Com.* Sanders: Sept. 10, and Oct. 1, at 11; Birmingham. *Off.* Ass. Whitmore. *Sols.* Docker, Smethwick; or Reece, Birmingham. *Pat.* Aug. 24.

GREEN, WILLIAM THOMAS PANTER, Currier & Leather Seller, Mount-street, formerly of 25, Castle-street, Northampton. *Com.* Fomblanque: Sept. 12, at 12, and Oct. 10, at 12; Basinghall-street. *Off.* Ass. Graham. *Sol.* Rawlins, Market Harborough, Kent. *Pat.* Aug. 30.

HILLS, WILLIAM, Draper, Sandgate, Kent. *Com.* Fane: Sept. 14, and Oct. 12, at 12.30; Basinghall-street. *Off.* Ass. Cannan. *Sols.* Ashurst, Son, & Morris, 6, Old Jewry. *Pat.* Aug. 1.

JONES, WILLIAM, Grocer, Provision Dealer, & Draper, Nottingham (sometimes trading in the name of Charles Maltby, and also under the style or firm of W. Jones & Co.) *Com.* Sanders: Sept. 11 & Oct. 4, at 11; Nottingham. *Off.* Ass. Harris. *Sols.* Cowley & Eversall, Nottingham. *Pat.* Aug. 28.

MANNING, THOMAS, Hotel Keeper, Aldershot, Southampton. *Com.* Fane: Sept. 14, and Oct. 11, at 1.30; Basinghall-street. *Off.* Ass. Whitmore. *Sol.* Richardson, 15, Old Jewry-chambers, Old Jewry. *Pat.* May 31.

SMITH, DAVID, Straw Plait Manufacturer, Markgate-street, Hertfordshire. *Com.* Fomblanque: Sept. 12, at 1.30; and Oct. 12, at 12; Basinghall-street. *Off.* Ass. Stansfield. *Sols.* Lawrence, Plews, & Boyer, 14, Old Jewry-chambers, London. *Pat.* Aug. 30.

THOMAS, WILLIAM, Publican, Salutation Inn, Cardiff, Glamorganshire. *Com.* Hill: Sept. 11, and Oct. 15, at 11; Bristol. *Off.* Ass. Acraman. *Sols.* Pridenau, Bristol; or Henderson, Bristol. *Pat.* Aug. 29.

BANKRUPTCY ANNULLED.

FRIDAY, Aug. 31, 1860.

BLEACKLEY, GEORGE, Common Brewer, Sun Brewery, Salford. Aug. 29.

MEETINGS FOR PROOF OF DEBTS.

FRIDAY, Aug. 31, 1860.

ASKAM, RICHARD DICKON, Lime Burner & Coal Merchant, Knottingly, Yorkshire. Sept. 21, at 11; Leeds.—KERSHAW, JOSEPH, & WILLIAM GEORGE KERSHAW, Stone Masons, Bricklayers, & Builders, Wakefield. Sept. 21, at 11; Leeds.—NEWTON, JOHN, Horse Dealer, Old Malton, Yorkshire. Sept. 21, at 11; Leeds.

CERTIFICATES.

To be ALLOWED, unless Notice be given, and Cause shown on Day of Meeting.

TUESDAY, Aug. 28, 1860.

FAULKNER, JOHN, Cab Proprietor & Horse Dealer, 6, Commercial-road, Surrey. Sept. 20, at 2; Basinghall-street.—FENN, WILLIAM, Underwriter & Insurance Broker, 11, New Broad-street, London, late of Lloyd's Coffee-house, Royal Exchange. Sept. 20, at 12.30; Basinghall-street.—WILSON, JOHN, Shipowner, formerly of John-street, Sunderland Durham. Sept. 19, at 12; Basinghall-street.

FRIDAY, Aug. 31, 1860.

LEVY, LEWIS, Merchant, formerly of Savannah, United States of America, and late of Gravel-lane, London. Sept. 21, at 12; Basinghall-street.—NEWELL, FREDMAN, Boot & Shoe Mercer and Cloth Cap Maker, Huddersfield. Nov. 12, at 11; Leeds.

To be DELIVERED, unless APPEAL be duly entered.

TUESDAY, Aug. 28, 1860.

EYRE, JOSHUA, Silk Manufacturer, Chawmont, Leigh, Lancashire. Aug. 23, 2nd class.—HOPKINS, JAMES, Draper & Grocer, Fishponds, Gloucestershire. June 24, 2nd class.—JONES, JOHN, Nurseryman & Seedsmen, 18, Sheep-street, Northampton. Aug. 23, 2nd class.—MORGAN, JOHN, Clay & Mineral Merchant, Manchester. Aug. 23, 1st class.—OLD, EDWARD HERRINGTON, & JAMES PEARSON, Hat & Cap Manufacturers, Kingston-upon-Hull. Aug. 22, 3rd class.

FRIDAY, Aug. 31, 1860.

RICHARDSON, GEORGE, & GEORGE TOMLINSON FRANCE, Cloth Merchants, Huddersfield. Aug. 27, 3rd class, subject to a suspension of two years from Aug. 27.

Scottish Sequestrations.

TUESDAY, Aug. 28, 1860.

LAWSON, GEORGE, Cabinet Maker & Upholsterer, Glasgow. Sept. 4, at 12; Faculty Hall, St. George's-place, Glasgow. *Seg.* Aug. 25.

ROSE, MITCHELL, & Co., sometime carrying on business as Merchants in London, and Toronto, Canada West, and now carrying on business in Glasgow, and Toronto, Canada West, as a Company, & WILLIAM ROSE, Glasgow, JAMES MITCHELL, Edinburgh, & JOHN FISKEN, Toronto, Canada West, individual partners. Sept. 3, at 1; Faculty Hall, St. George's-place, Glasgow. *Seg.* Aug. 23.

STRAUTHER, WILLIAM, Joiner, Uddingston. Sept. 7, at 2; Faculty Hall, St. George's-place, Glasgow. *Seg.* Aug. 24.

FRIDAY, Aug. 31, 1860.

ATKIN, GEORGE, Grocer, sometime residing at Riggend, now Grocer and Spirit Dealer, Greengairs, New Monkland, Lanarkshire. Sept. 7, at 12; Airdrie Hotel (Mr. Forbes). *Seg.* Aug. 28.

We cannot notice any communication unless accompanied by the name and address of the writer.

* Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher

THE SOLICITORS' JOURNAL.

LONDON, SEPTEMBER 8, 1860.

CURRENT TOPICS.

The Council of the Incorporated Law Society has just published its annual report, in which it briefly reviews the recent alterations in the law so far as they relate to subjects concerning the profession, and also gives an account of what the Council has been doing during the past year in reference to such measures. We have already been enabled to publish the observations of the Council upon the "judgment" clauses of Lord St. Leonards' Law of Property Further Amendment Bill of last session, which, notwithstanding the opposition raised by these clauses, has received the sanction of the Legislature. The report further relates in detail what the Society has had to do with the introduction and passing of the recent Act for the amendment of the law of attorneys; and gives an account of its most useful labours before the Concentration of Courts Commission, of which Mr. John Young, late President of the Society, was a most laborious and valuable member, and also before the Chancery Evidence Commission, to one of whose members, Mr. Strickland Cookson, now President of the Society, the highly satisfactory character of the report of the last-named Commissioners is, we believe, very much owing.

The following is a list of the rules and orders which have been printed for the use of members of the society:—

In the Court of Chancery.

22nd August, 1859.—Investments in trust; powers of accountant-general without order; payments to survivors, representatives, and partners; residues; costs; purchase and deposit of exchequer bills, &c.; certificates of registrars and taxing masters; vacating recognizances; striking out causes after a year.

Hilary Term, 1860.—Notice to solicitors as to two printed copies of bills (instead of one copy as heretofore) to be left with the judge's secretary.

6th March, 1860.—Engrossing and printing answers; office and printed copies; costs; affidavits; fees.

15th March, 1860.—Regulations at the registrar's office.

20th March, 1860.—Law of property and trustees relief.

" March, 1860.—Unclaimed dividends.

In the Probate Court.

16th November, 1859.—Additional and amended table of fees. (New rules, with voluminous forms, have been issued on the Revenue side of the Court of Exchequer.)

We find the following important statement contained in the report of the council, upon the subject of unqualified persons practising in professional business:—

Frequent complaints have been made of unqualified persons appearing professionally in the county courts, and where such practising can be proved against any person, the council have always been willing to give their attention to the case. It appears that some of the judges of these courts allow other persons than attorneys to conduct cases before them, but it is presumed that this is permitted only in peculiar circumstances, and that they do not allow any costs to the unqualified persons, who must look to their employers for remuneration. The council understand that in general the county court judges grant audience only to the parties themselves, or their counsel or attorneys.

A complaint was brought before the council relating to unqualified persons carrying into the registry of the Court of Probate documents required for obtaining grants of probate and letters of administration; and in order to check this irregular practice, they proposed for the consideration of the judge that

a rule of court, or regulation, should be made, declaring that no documents for the purpose of obtaining grants of probate or letters of administration would be received, except from the executors or administrators in person, or from a proctor or solicitor, or a clerk in the office of such proctor or solicitor, acting as such clerk; and that every such clerk who attended for a proctor or solicitor should enter in a book, to be kept for that purpose, the name of the proctor or solicitor to whom he is clerk, and his own name, declaring himself to be a clerk in the office of such proctor or solicitor.

Under such a rule the irregularity might be detected and brought under the notice of the Court, whilst it would not obstruct or delay the regular practitioner, or interfere with those who, as executors or administrators, desire to act for themselves. Solicitors resident in the country would thus have the option of attending in person, or of sending a clerk from their office in the country, or of transacting the business through their London agents, in the same way that proceedings in all the other superior courts are conducted.

The encroachments on the rights and privileges of the profession by unqualified persons, especially in conveyancing matters, has long been complained of. It is trusted that the powers to be conferred under the Bill now before Parliament will enable the society to check if not wholly repress this grievance.

The report further informs us that—

The members recently adopted a recommendation of the council, that a limited number of the provincial members of the society should be invited to become members of the council, and accordingly three vacancies have been filled by gentlemen practising at Exeter, Leeds, and Newcastle-on-Tyne. A further vacancy having now occurred, the council are of opinion that, in order to unite more effectually the metropolitan and provincial members of the profession, it will be beneficial to elect another provincial member.

Mr. James Stephen, LL.D., Barrister-at-Law, of the Middle Temple, has been appointed Recorder of Poole, in the place of Mr. W. M. Cooke, who has been promoted to the Recordership of Southampton. Mr. Stephen is well known to our readers by his contributions to this Journal, and to the entire profession by his learned and valuable treatises on legal subjects; and his promotion to the office of Recorder is not less creditable to the authorities in whose gift are such offices, than it is to Mr. Stephen himself.

LAW REFORMS OF THE SESSION.

Public criticism on the late session of Parliament has been chiefly directed to the mode of conducting business; complaints have been frequent of the profusion of debate and the tardiness of action; and serious misgivings have been raised as to the supposed increasing incapacity of Parliament for its ordinary functions. In the following review we wish to confine our attention to the progress of law amendment during the session, with the object of arriving at a judgment, not so much whether it has been unusually slow during the last few months, as on the more important question whether the general progress of our jurisprudence has been sound, and in a right direction.

The measures undertaken by Government demand the first consideration. The opening programme of the session, if taken literally, and not interpreted according to custom, was certainly sufficient to raise the highest expectations. A list of measures, comprising the regulation of the transfer of land on a new system of registered titles, an amended and revised code of bankruptcy law, the fusion of law and equity, a collection and revision of the criminal law, a complete code of joint stock companies' law, and a general consolidation and revision of the statutes, sounded more like a summary of the legislation of the century than of the session; and if accepted as an enumeration of the great questions of the present age, which are to be kept constantly in view for consideration and discussion until, in process

of time, their solution is evolved, it seems a sufficiently accurate description.

On the other hand, if the performance is to be measured by any comparison with the programme, it seems impossible to estimate it in terms sufficiently small; for not even the slightest foreshadowing of any of these great measures is to be found in the new volume of statutes. The so-called Bill for the Fusion of Law and Equity indeed has passed, but reduced in form and dimensions to a mere supplement to the previous Common Law Procedure Acts, and the contents no longer in any sense correspond to the title. The statute book, however, is the exclusive abode of measures made perfect and transformed into acts, and is not the place to find them during their period of growth and progress. The great question of the fusion of law and equity has been carried during the session through several stages of discussion, and has been advanced some steps towards a definite issue. We have had during the same period the aggressive report of the Common Law Commissioners; the opposition memorial of the equity judges; and the counter manifesto of the commissioners. The fusion clauses were much considered and discussed in the House of Lords, and though they were rejected, it was not without loud lamentations from the Lord Chancellor and Lord Brougham, and the promise of a speedy renewal of the controversy.

Progress was also made in the discussion on the Bankruptcy Bill. This was the only one of the great measures above mentioned which the Government appears to have seriously intended to pass. Great care is said to have been bestowed by Sir R. Bethell himself in the preparation of this Bill, and it was certainly presented in a very elaborated if not complete form. The amendments proposed were definite and intelligible. They included the establishment of local courts; the abolition of the distinction between traders and non-traders, and the complete assimilation of the two procedures of bankruptcy and insolvency; the management of the estate by the creditors themselves; a general simplification of process; a diminution of expense; and the more effectual punishment of fraudulent bankrupts. The Bill was carried safely, though with much risk, through the financial difficulties arising out of the new arrangements of the courts and officers, and the consequent claims for compensation; but it was then found, that notwithstanding the attention bestowed upon this measure for several years past, public opinion had not yet arrived at a certain conclusion on the important question of the abolition of the distinction between traders and non-traders, which was amongst the principal purposes for which the Bill was framed. The Bill, therefore, was necessarily postponed, for it was manifestly impossible to carry it through in detail until the differences of opinion on this vital point had been brought to some definite arrangement.

Of the progress of the other great measures proposed, little remains to be said. The criminal law Bills, which have been handed on from session to session for several years past, to the discredit of every Government that has adopted them, were again introduced in the House of Lords, where they were subjected to the scrutiny of a select committee, and passed; but pressure of business was the excuse for their withdrawal in the Commons. The Companies' Bill—a consolidation of all the previous Acts relating to joint stock companies, and a professedly complete code of law regulating those undertakings from their foundation to the final winding-up—passed the House of Lords early in the session, and, like the criminal Bills, was withdrawn, without explanation, at a late period in the Commons. The consolidation of the statutes generally, we are informed by the Chancellor, has made some progress, though of the degree of progress or of the mode of progression the public knows, believes, and expects nothing. His lordship, as a last act of the session, laid a Bill on the table for the express repeal of a great number of statutes supposed to be repealed,

obsolete, and unexpired, which, if it really solves doubts in all cases, whether an Act is repealed, expired, or useless, will certainly be a convenient measure. We have a strong idea, however, that cases of constructive repeal cannot be discovered or anticipated before-hand, and are beyond the reach of legislative interference.

The Court of Chancery Bill and the Chancery Evidence Bill may be ranked as Government measures of law amendment, but of the second class. They are steps in that steady progressive reform of the Court of Chancery which was set on foot by the Chancery Commission. The Court of Chancery Bill completes the abolition of the office of master. It further enforces the principle that all judicial functions are to be performed by the Court, and ministerial functions only by its officers. The Evidence Bill, founded on the report of a recent separate commission, puts into practice the principle that suitors are entitled to have the Court which has to decide a case informed concerning it by the best evidence delivered in the best way. The objections raised to both these measures were founded on the extra expenditure of time and labour which they would necessitate in the administration of justice—objections which do not weigh one feather in the scale of justice, and which may be obviated at once by additional judges, and by a proper control over the costs of judicial proceedings. An Act has also been passed for amending certain manifest defects in the procedure of the New Divorce Court. As a general rule, the business of the court will be left to a single judge, who may, however, call in additional assistance at his discretion. The Act also makes further provision against collusive suits, and for an extended authority to arrange the property in marriage settlements so as to meet the altered circumstances of a divorce. These Acts for the amendment of the procedure in the Court of Chancery and the Divorce Court, are the chief measures of law amendment for which the country is indebted to the Government during the past session.

While the Government entertained the public attention with the great measures enumerated above, it paid little regard to the minor legal wants of the community. Here a wide field was left open for private enterprise, and many of those duties concerning the supervision and correction of the law, which should properly fall within the department of public justice, have been performed during the past session by private members, unassisted, and in some cases opposed, by the Government.

The Bill for the regulation of attorneys and solicitors was amongst the most important of the measures introduced by unofficial members. Considering that attorneys and solicitors in this country discharge many important public functions, and with regard to many of their duties are treated as responsible public officers, it might not unreasonably be imputed as a duty of Government to provide for the laws relating to their education, admission, and practice. This Bill, however, was conducted without any direct intervention of Government, though with its approval. The greatest confidence appears to have been placed, not unadvisedly, in the recommendations of the Incorporated Law Society. Being the body peculiarly constituted to watch over the regulation and the interests of the profession, the Society took the matter in hand some time ago. They prepared a Bill to meet all requirements, which was widely circulated amongst the judges and other law authorities, and the profession, and received a general approval. This Bill was introduced by Lord Campbell in the House of Lords the session before last, and passed that House, but too late in the session for consideration in the Commons. Early in the last session Mr. Locke proposed a Bill which was recognised at once as a simple appropriation, without acknowledgment, of the Bill proposed by the Incorporated Law Society, with a few additions and omissions which we pointed out at the time as being de-

adversely detrimental to the general scheme of the Society. Mr. Locke's Bill passed the House of Commons, but was met at once in the House of Lords by the properly authorised Bill of the Society introduced by Lord Chelmsford, and was heard of no more. The latter Bill finally became law, notwithstanding a rather sharp opposition in the Commons from the supporters of their first Bill, and after a division on the second reading of 191 to 29. The main object of the Bill is to place the profession on a more open and liberal footing, to raise and extend, at the same time, the standard of its qualifications, and so by increasing the general attainments of its members to elevate the profession in social position, and remove some of the obstacles which have hitherto prevented its standing in the first rank among liberal professions. The profession is henceforth to be open to graduates of the university, barristers, and also to clerks of ten years' standing after an articleship of three years. Students who have successfully passed the examination recently established at Oxford and Cambridge for persons not being members of the university, or other examinations of a similar nature, are, under certain circumstances, to be allowed to pass after an articleship of four years. The Act contains other provisions for securing sufficient examinations and tests of the qualities of candidates for admission into the profession. It may be noticed, in passing, that the want is here much felt of some well recognised standard of examination such as a law university would afford, to which to refer for purposes similar to the present. The Act also contains salutary regulations for the registration of and control over the profession. The just and liberal clause for emancipating practising solicitors from the modern statutory disability of filling the office of magistrate passed the House of Lords, but was rejected in the Commons. The age has gone when unnecessary disabilities and distinctions of this kind can be maintained, and the provision, with proper restrictions against its abuse, must certainly become law in a future session.

The Law of Property Amendment Act is a measure of Lord St. Leonards, dealing with one or two detached items of law, the most important of which is the effect of judgments in charging land, a subject of considerable difficulty, which we fear will still remain so, notwithstanding this Act. The chief object of the Act is to place freehold and copyhold estates on a like footing with leaseholds in respect to judgments, as against purchasers and mortgagees, and to protect them against delay in execution. For this purpose it enacts that no judgment shall affect any land of whatever tenure as to a purchaser or mortgagee, unless a writ of execution shall have been registered; and no judgment or writ of execution shall have any such effect unless the writ shall be executed within three months from the time of registration. But it does not seem thus to effect completely the proposed object; for though it imposes a new formality in respect of all lands equally, it does not supersede the ancient distinctions. Leaseholds were not bound by a judgment at common law, unless execution issued, and in their quality as personal property were within the Statute of Frauds, which deprives writs of execution of any efficacy until delivered to the sheriff to be executed; they would seem also to be within the similar terms of the Mercantile Law Amendment Act, 1856, which takes away all effect from the writ as against a *bona fide* title until actual seizure. We cannot think that the law on this subject is on a sound footing or has reached a final settlement. Why should not all process against land or goods be placed on the same simple footing of being nothing more than a mere step towards satisfaction of the claim? Why should any forced and artificial effect be given to it, before it produces its own full effect in execution? The creditor who delays to exact his debt ought, it would seem, to remain in the position of a mere creditor. It is urged that process is available and frequently employed as a mere

security for loans and other charges without any intention of realizing except in case of default; and forms a cheap and convenient substitute for a regular mortgage. We apprehend, however, that this is not the primary object of process, or at all the intended object of the law in providing it; at any rate, process should not be altered and regulated to suit this indirect purpose to the sacrifice of its real form and object, and to the confusion of all ideas and language concerning it. If some public and simple mode of registering charges is required, let it be provided directly in plain terms. Independently of these objections of principle, we cannot perceive much practical improvement in the present Act. An additional ceremony, that of registering writs, is introduced; judgments will have still to be registered for some purposes; freeholds are not placed in all points on the same footing with leaseholds; both remain on a different footing from personal chattels; and so necessity for searches is increased. The whole law relating to the effects of judgment and execution seems to require sifting in a thorough and comprehensive manner, and would form a very appropriate subject for a commission of inquiry, with a view to its simplification and improvement.

Lord St. Leonards' Act treats of several other disconnected matters, such as *scintilla juris*, points of procedure, investment; it also originally contained two certainly beneficial clauses, one relating to waiver of covenants in a lease, and the other to the doctrine of notice, both which were rejected in the Commons. As a whole, it presents one of those fragmentary specimens of legislation peculiar to its author, which render our law so difficult to trace, and which promise to give great trouble to the future consolidator of statutes.

Mr. Bovill succeeded in passing a measure for improving the procedure on petitions of right, which will enable subjects to litigate with the Crown on terms approaching to equality and justice.

A decided improvement is effected in criminal procedure by the Felonies and Misdemeanours Act of Mr. Denman, enabling counsel to comment on the evidence after it is delivered, instead of by anticipation. This change has been already tested, and found to work advantageously in civil procedure. Another change in the criminal law was proposed, by substituting for the plea of not guilty, a declaration by the prisoner that he wished to be tried. The Bill for this purpose, notwithstanding it met the approval of the law lords, was rejected by the House of Commons. The case of the innocent jurymen who so constantly feel conscientious scruples from misinterpreting "not guilty" into an affirmative verdict, are also worthy of consideration, but has not been recalled to notice during the past session. The annual Bill for providing an appeal in criminal cases met with the usual reception; a great weight of opposition must be overcome before any serious question will be made of this measure.

The above summary of the law reforms of the session shows that the actual progress of amendment has been confined to the completion and perfection of existing institutions. No new principle has been established, nor any new ground occupied for future improvements. The few measures passed, such as the Acts relating to the Court of Chancery, the Divorce Court, and criminal procedure, are merely the extension and completion of principles which have been already recognised as sound and useful. The Bankruptcy Bill was the only attempt made in a new direction, and has been advanced so far as now to occupy the most prominent position amongst the measures waiting for a legislative settlement. Differences of opinion, however, still remain on some important points, which must be cleared up before a definite settlement can be arrived at. Until the public mind is prepared for an abolition of the artificial distinction between traders and non-traders, and for an entire assimilation

of bankruptcy and insolvency procedure, and upon a question closely connected with the above—namely, the abolition of imprisonment for debt—it seems impossible to frame an Act, except for the subordinate object of amending and re-arranging the present procedure. A compromise of the above important questions would not be the measure looked for or desired, and would necessarily soon have to be re-opened. A settlement of the law of bankruptcy involves the preliminary settlement of all these points; and when once this is attained, the arrangement of the matter in the form of law will be quick and easy. Much debate and opposition seems likely still to intervene before this final stage is gained, and much time may, perhaps, be thus spent; but public opinion must be perfectly clear upon what it wants, before the Legislature can enact a satisfactory consolidation of the law of bankruptcy.

Little or no progress has been made with the other great measures of the day. The transfer of land scheme, having passed through a period of active discussion has relapsed into its ordinary dormant state. Yet the report of the commission seems to have traced out a practicable plan to its available limits. The system proposed carries registration up to the threshold of the intricate settlements and trusts of real estate beyond which it would become a mere record of confusion. Further discussion and deliberation, it seems agreed, is useless, and there remains the mere work of labour in moving the inert mass of obstruction offered by an established practice, and overcoming the exaggerated apprehensions of a change.

The fusion of law and equity is found to be essentially a progressive doctrine which cannot be embodied in a sudden and fundamental alteration of the law. It is at length recognised as meaning not a confusion of remedies and an indiscriminate application of the same procedure to every judicial and corrective purpose, but a due assignment of every subject-matter to its appropriate court and procedure, and the conferring on every court full powers within its jurisdiction. On these grounds the suspicious clauses which gave the name to the so-called Fusion of Law and Equity Bill were rejected; but the progress of a sound improvement in our procedure may be traced in that Act as passed, and also in other Acts of the session.

The Bills for the Consolidation of the Criminal Law have as yet excited very little public attention; public opinion is probably indifferent on the subject, and will ultimately receive these Bills on trust as being matters connected with technical procedure, and properly relinquished to the care of professional authority. Criminal law is, in fact, made for the poor, and not for the rich; not in the invidious sense of showing unfair distinctions between them, but in its practical bearing upon the poor only. The enemies of property and security, with few exceptions, are found only among the poorer classes. The great mass of crime consists of small offences against property, committed by those who thereby hope to gain what they have not; and these are not the persons whose interests are consulted, or who can make themselves heard in the preparation of criminal law.

On the whole, though the statute book of the last session contains but a few short chapters devoted to the amendment of the law, and is marked by no striking innovations in our municipal jurisprudence, we can find no reason for saying that it fails to meet any well recognised public want. We may learn indeed, from the last session, how fruitless is the attempt to make laws on any subject before public opinion has been thoroughly sounded and ascertained. While the public, or that portion of it which is conversant with and interested in the subject of a proposed measure, is distracted with doubts and divisions, legislation is premature and improper. The law should not be made the field for experiment. When the public mind has arrived at a clear and settled resolution, it is easy to record its conviction in the form of law. In passing

judgment on the session, it should be remembered that Parliament can frame laws only to meet the wants and wishes of the public, and that for this purpose it acts as its representative and mouthpiece. Ineffectual discussions in Parliament are the reflexion of indecisive resolutions in the public mind, and a clear conviction on the part of the public is generally a necessary condition of legislative action. We are thus also led to perceive how the full discussion of a measure on the part of the public becomes a most important element in legislative deliberation, and ensures the necessary conformity of the law with the wishes of the community. It is peculiarly the duty of a journal devoted to law and jurisprudence to assist and direct such discussion on the progress of legislation; and we have accordingly done our best to fulfil this duty during the past and previous sessions, by supplying the earliest information respecting all proposed measures, by publishing at length the Bills, reports, and opinions connected with matters pending in Parliament, and by freely opening our columns to correspondence and discussion on the materials thus provided. We have, moreover, for the first time in English journalism given original, and complete reports of debates in Parliament touching measures of peculiar importance to the profession, but which on account of the little interest which they call forth in general circles, are not usually noticed by the public journals. We hope in future sessions to maintain and to render still more useful to lawyers this new and important feature of the *Solicitors' Journal*. The supervision thus maintained over the progress of legislation by a timely publication of proposed measures, and a severe and informed criticism on the part of those who are most interested and most competent, supplies a more effectual check on mislegislation than any contrivance of official censorship.

RECOMMENDATIONS OF THE CHANCERY EVIDENCE COMMISSIONERS.

Having completed our comments on the report of the Commissioners, we will now advert to some of the witnesses' opinions, which contain some matters deserving of consideration for the future, though the suggestions are, perhaps, not likely to meet with present encouragement.

The first that we will notice is that of Mr. Willcock, Q.C. The principal portion of Mr. Willcock's opinion is devoted to an extremely subtle and metaphysical analysis of the defects of affidavit evidence; the result of which is, unquestionably, to strip off from affidavit evidence, when facts are in contest, every shred of respect that custom and imagination have hitherto allowed to cling to it. But one suggestion that he makes appears to us of great value, as applied to the general rules of evidence. We will quote his own words:—

It may deserve consideration, but is not the subject of present inquiry, whether an oath is the best means of securing truth in the testimony of witnesses; or whether, although it might have been more valuable before its abuse had become so obvious, the abuse has not so nearly obliterated the traces of utility as to render expedient some other formula for fixing the serious attention of the witnesses, and some more sure provision for securing the temporal punishment of his falsehood, when so invoked to tell the truth. However it may be in other cases, when the assumed spiritual consequences do not apply, it must be proper to find some other pledge of veracity, or the witness is lost. Assume that a deist is known to the defendant's solicitor to be the only witness for the plaintiff, the instructions are to ask him if he is not an atheist. If he repel that question, the next is, do you believe in a future state of reward and punishment? If he does not, and he tells the truth, and, affronting nine-tenths of the audience, and in their imagination covering himself with ignominy, says, No, by thus painfully rendering himself worthy of credit, he disentitles himself to belief, and deprives the plaintiff, perhaps an utter stranger, of the only evidence which could be adduced. But if, on the second question, quailing before the gathering frowns

of the audience, the witness untruly answers Yes, he reinstates himself in favourable opinion, and by his falsehood acquires a legal title to be believed. Again, one whose opinion on this subject is somewhat unstable, but whose apprehension of temporal chastisement is extreme, may, by self-disqualification, shelter a friend from punishment or loss.

We confide in the good faith of our readers, that we shall not be taken to be either atheists or deists because we agree with Mr. Willcock, that the confession by such persons of an absence of belief, thereby exposing themselves to obloquy, is the very best test of their credibility; and that it is ridiculous to reject a man's evidence as unworthy of credit, because he is unwilling to affirm as true that which he believes to be untrue.

The next suggestion to which we call attention, and in its principle some other gentlemen agree, is that of Mr. Dickinson, a draftsman of known reputation. Mr. Dickinson suggests that evidence should be taken orally before an officer who is to act as jury. But he proposes a scheme of assistant judges, who are to have the witnesses examined before them, and to report the facts to the judge who is ultimately to try the cause. The objection to this plan is, that if the assistant judge is to hear the merits argued (on which point Mr. Dickinson is not explicit), the cause will be heard once without being decided—merely for the purpose of ascertaining the facts, and a second time for the purpose of being decided—an unnecessary multiplication of hearings, as it seems to us. And if the assistant judge is not to hear the merits, he will only be an examiner with a new name.

Mr. Pridham, and several other practitioners at Plymouth, and Mr. Hodgson of York, and other gentlemen, suggest that a limited equity jurisdiction in equity should be conferred on county courts, and that in such suits the evidence should be taken orally in open court. And some solicitors practising in the country suggest that in suits conducted in the Court of Chancery, where the witnesses are principally in the country, the evidence should be taken orally before the local county court judge. This latter proposition is, in fact, identical in principle with Mr. Dickinson's plan, substituting only county court judges for assistant judges. The suggestion of a limited equity jurisdiction for county courts is not now made for the first time. But the propriety of considering it is much strengthened by finding it supported by the opinions of several practical men of eminence in their profession. No one, indeed, can have practised in Chancery, without becoming painfully aware that there are numerous cases in which equity has to be administered, and which, from the smallness of the property in question, it cannot bear the expenses of a judicial machinery contrived for, and adapted to, matters of grave amount.

The expense of filing a bill for administration, getting in answers, obtaining a decree for accounts and inquiries, taking the accounts in chambers, and hearing on further consideration, are nearly, if not exactly, the same, whether an estate be of the value of £300 or of £3,000. But in the one case, the costs may absorb the estate; in the other, they are but a per centage tax upon it. So, not to multiply instances (though they might be multiplied), cases of copyright, both in books and works of art, arise, in which the whole copyright may not be worth £150. Now it is well known that in general, the costs of filing a bill and moving for an injunction, are at least £50 on each side in chancery, so that if a plaintiff has miscarried in his law, or fails in his facts, he tries his right respecting property worth £150, at an expense of £100. Every chancery practitioner knows, that by reason of the disproportion between the expense of chancery proceedings, and the amount in value of small matters of dispute, parties are continually advised to forego apparently just claims.

Another suggestion which we find made in the evidence is, that the equity judges should occasionally hear causes in the country, by analogy to the circuits. In principle this suggestion is sound. There is no more reason why all equity causes should be brought up to London, than why all common law causes should. But the question is practically fiscal. It matters not, for the purpose of administering the law, where a judge sits. But it may matter much with reference to expense. And the whole question resolves itself into this, whether all the offices being in London, and all the staff being habitually fixed in London, it is cheaper to suitors to take judges and counsel and officers down to the country, or to bring up suitors and witnesses to London? That is a question which can only be answered by statistical information; and such information is not at present collected and compared.

ON THE NECESSITY OF AN OATH ON THE VOIR DIRE.

[COMMUNICATED.]

Until the passing of the Common Law Procedure Act, 1854, the law and practice of the courts of England alike required, with scarcely an exception, the confirmation and authority of an oath in support of the evidence of witnesses.* The inflexibility of this rule frequently occasioned considerable difficulties. A person robbed of his watch in the open street is unable to prosecute the delinquent because he has conscientious objections to take an oath; for the same reason, until lately, a creditor was unable to establish his debt against an insolvent debtor; and recently we have heard that a jurymen was unable to serve his appointed office from the same conscientious scruples. These difficulties were undeniably increasing each year, until the passing of the above named Act; and if the Legislature be not induced to take steps to bend the rule still more, so as to meet the present requirements of society, I venture to predict that the administration of law in this country will be found yet more frequently interrupted, and a defeat and failure of justice more constantly occurring. With that strange polarity which seems to pervade all things, we find the greatest sufferers from this law among two most opposite bodies. For among those who object on conscientious grounds to asseveration by oath, we see together the sincere believer and the sceptical philosopher—those who think that the teachings of the Holy Scriptures forbid them taking an oath of any kind, and those who deny the doctrine of a future state, and who, therefore, do not respect future rewards or punishments.

With the former class, I think no real or substantial difficulty exists. The Legislature, in the several measures that have been passed for the relief of the body of Quakers and Moravians, and further, as to civil cases, by the Act of 1854, has, in fact, fully recognised the principle that persons conscientiously objecting to take oaths shall be permitted to give their evidence in courts of law upon their solemnly affirming and declaring the truth of their statements. All, therefore, that is required in the case of those entertaining such scruples is, to extend and apply the principles already admitted in the Acts referred to. But with the body of unbelievers the difficulties are undoubtedly

[* As the law now stands, Quakers, Moravians, and Separatists, and also persons who have been Quakers and Moravians, may give evidence in both criminal and civil cases, upon affirmation, without an oath. The Common Law Procedure Act, 1854 (17 & 18 Vict. c. 125, s. 20), enables a judge to dispense with the oath of any witness in a civil, but not in a criminal case, where the judge is satisfied of the sincerity of the witness's objection to be sworn: so that, since that Act was passed, the rule for all Christians (not Quakers, Moravians, or Separatists), who are called upon as witnesses, is different in civil and in criminal cases. The Act of 1854 does not apply to the case of jurymen; so that the further anomaly exists, that while, in a civil case, a witness may decline to take an oath, a jurymen may not. This omission—for such it evidently was—in the Common Law Procedure Act, 1854, has on several occasions led to considerable embarrassment, in the case of conscientious men who were called upon to serve as jurors, but objected to take an oath.—Ed. S. J.]

very great. The question appears to me so important, and, at the same time, so interesting, that I think it not out of place to offer a few observations on the subject.

The law of England has most clearly enforced the obligation of an oath upon all witnesses upon the single ground that calling God to witness that the statement made is true, is, at the same time, a submission to God's eternal punishment in case the statement be false. In other words, a future but certain punishment is incurred or rather entailed upon oneself by offering false testimony. How then shall we deal with the unbeliever? He fears no future punishment; he feels that no penalty is incurred by him for giving evidence that is untrue. The practice of the courts has hitherto solved this question in a very summary manner. It rejects his testimony altogether. I cannot but entertain grave doubts as to the wisdom of this total rejection. In America the question has met with a different solution, for these difficulties have pressed so heavily and so often upon the courts of law, that the Legislature of the State of Massachusetts at last passed a measure enabling the judges to dispense with a formal oath *whenever* the witness has a conscientious objection to take one, reserving, however, the usual penalties for perjury in the event of false testimony.

Before I proceed further, I wish distinctly to state that my own opinions on this matter are simply the following:—I firmly believe that it is for the interest of society that the testimony of *no one* should be rejected; because such exclusion must cause hardship and injustice to others. I would, therefore, that the evidence of unbelievers, even of atheists, infidels,—of every one,—should be freely admitted, *quantum valeat*, for the weight it will have with those to whom it is submitted. The force of such testimony in the minds of most men will undoubtedly be lower, and worth less, than the testimony of those who believe they incur grievous penalties for false swearing. But that will be in the nature of the case, and need not be considered; therefore, I say again, *quantum valeat*, let it be admitted.

In inquiring into the nature of the arguments against the total rejection of the testimony of unsworn witnesses, I find two distinct points of view from which I can regard the question:—

- 1st. Where the evidence is on behalf of the unsworn witness.
- 2nd. Where the evidence is on the behalf of another.

It is an incontrovertible proposition that every subject of the realm is entitled to demand right and justice at the hands of the administrators of the law of the land. If, however, the evidence of those that refuse to bind themselves with an oath be excluded, an important condition will be imported into the generality of the above proposition. No such conscientious objector can obtain justice. He is an outcast, whom all may assault, rob, or plunder with impunity; for in the character of a prosecutor, he may never appear. It seems to me akin to a disgrace to the administration of law in this country that any man should be compelled to submit to such wrongs and indignities merely on account of his conscientious opinions and convictions. For it must be rigorously borne in mind that only the honest and truly conscientious are sufferers, and are hindered from obtaining justice; the wicked and callous will never object to what to them must appear the senseless formality of an oath, in order to attain their ends. It is therefore precisely that class which the State should delight to honour and respect, viz., the upright, the honest, and the true, that are the most injured by the rigid inflexibility of the rule of law.

The remarks which I have just ventured to make, relate exclusively to those cases in which the testimony is submitted by an unsworn witness in his own behalf. In the second class of cases before alluded to, viz., where the testimony is issued on behalf of another, the arguments against a total rejection of evidence come with greatly increased force. I shall now have

to meet not only the negative conditions of defeat and failure of justice, but the more positive forms of cruelty, hardship and injustice. An accused person is most clearly entitled to the deposition of all facts and matters in his favour by all persons whomsoever. So zealous is the law for this merciful doctrine, that special privileges are conferred upon witnesses in going to, and returning from, a trial where they have given evidence. So thoroughly and so completely is this principle now acted upon and given effect to, that even the vilest criminals are permitted to give their testimony in courts of justice.

Modern legislation in its wisdom has abolished personal incapacity, and modern enlightenment has detected the essential truth of the question to be one *not of absolute rejection, but of proportional and relative credibility*. This is now the law with regard to convicted persons. Their evidence is admitted, and their credibility left to the consideration of those to whom the testimony is submitted.

It is by no means an agreeable task to point out the resemblances and analogies in the respective cases of the unbeliever, whose opinions are perhaps based upon philosophic speculation, and of the convicted felon; but, in truth, there are many features in common. I have already shown that the chief argument against the admissibility of the evidence of an unsworn witness rests on the fact that he incurs no future penalties for false testimony. Neither does the convicted criminal. The criminal brought up from the place of his confinement incurs no risk, no penalties for false swearing. He is undergoing a punishment, probably a term of imprisonment for the commission of some antecedent offence. His period of punishment will not be increased one day by reason of his false testimony. This argument applies only to the dread of punishment by the ordinary tribunals of the country. With regard to his fear of punishment in the world to come, he has already given the best argument in his power, and by the commission of his first crime fully ignored any such restraint. What value, then, I may ask, is the oath of a criminal as a test of the truth of his evidence? I have shown that he is under no restraint by reason of his fear of future penalties of any kind; yet upon the ground of the absence of restraint, has the testimony of an unbeliever been wholly rejected. But let us not forget that the unbeliever would still be subject to the ordinary tribunals of his country for all the penalties of false testimony, which the convicted criminal would seldom be. Thus the inconsistency appears the more remarkable that we reject the one, while we admit the other.

In calling the attention of your readers generally, and of the profession more especially, to this important subject, I wish once and again to state that I do not express my opinions out of any particular sympathy or regard for any class or party. I do not propose to constitute myself the advocate of any sect or denomination, and I most certainly do not wish to be the exponent of any infidel or latitudinarian doctrines. All I desire to do is to urge my conviction that the exclusion of the testimony of anyone is unwise and unjust, and must inevitably lead to a defeat and failure of justice.

A. H.

Correspondence.

REGISTRY OF JUDGMENTS.

Lord St. Leonards' new Law of Property Act.

SIR,—In my letter published in the *Solicitors' Journal* of the 11th August, 1860, I stated that, "a reference must be made to the execution book in every case of a registered judgment being found." This statement now requires some correction, as the registrar has, on the suggestion of Lord St. Leonards, entered a memorandum on the register of judgments when an execution is registered and the date of such registering.

Therefore, a searcher will have notice on the judgment register if he is affected by an execution, and will not find it necessary to examine the register of executions, unless he wishes to procure the particulars relating to the execution referred to.

But on searching the local registers of Middlesex and Yorkshire for judgments, a purchaser must take the particulars of the creditor's name, and examine the register of executions kept in the Common Pleas in the name of such creditor, before he can ascertain whether he is affected by a judgment, as no memorandum to shew that execution has issued can conveniently be made on the local registers.

It must be borne in mind that a judgment entered up before the 23rd July 1860, will still be binding, although no execution has been issued on it, as the Act is not retrospective.

I would also call the attention of the profession to a convenient alteration in the practice of entering satisfaction.

The 23 & 24 Vict. c. 115, provides as to Crown debts that the provisions of ss. 195, 196, 197 of 16 & 17 Vict. c. 107, shall be extended to all bonds to the Crown. Therefore a certificate must be obtained in all cases (instead of a judge's order) to enter satisfaction; and as to judgments, an acknowledgment in the form provided by the Act.

I am, Sir,

Yours obediently,

JAMES PARK,

Registrar's Chief Clerk.

Sergeant's Inn, 31st August.

THE LAW LIST—ATTORNEY AND AGENT.

SIR,—As you have drawn further attention to the above subject by your article of Saturday last, permit me to inform you a little further as to the facts of the case.

The affidavit upon which I caused the rule to be moved for was made by myself alone, and set out that I was the attorney for the plaintiffs in the action in question, and that, seeing the attorney "A. B.'s" name in the "Law List" as the only attorney at the town of L., I sent the same writ, for service in ordinary course, to the said A. B. I did not set out the letter itself, which in fact contained no authority to A. B. to act otherwise than to serve the writ, and, unless advised to the contrary, to send me affidavit of service in due course. My affidavit then went on to show my various applications to A. B. to know what was done and his replies, and on my finding that he had received the debt and costs, my letters to him to remit the same to me, and his answers day by day promising to do so. The affidavit then proceeded to show that failing to get the money from A. B. I made inquiries about him, and found, as mentioned in my former letter, that he resided at some distance off, and allowed a clerk to use his name, and practise under the cloak of his (A. B.'s) name at the town of L. and elsewhere.

The affidavit was sworn on the 8th of June, and sent on to my town agents, with instructions to counsel the same day; and the following is a copy of a counsel's letter (who is well known in these matters) to my agents of the 12th of June:—

"Re A. B.

"I moved this rule to-day, and it was refused upon a ground which I confess took me, as well as other members of the profession who were in court, very much by surprise. I moved it in the Bail Court before Mr. Justice Hill, and he refused it upon the ground that he never knew an instance in which the Court had interposed its summary jurisdiction to aid an attorney against his own agent in the cause. I should have thought there was no doubt about the principle, but certainly I cannot find any direct authority."

It being the last day of Trinity Term, I could not renew my application to the Court, so I made the affidavit over again, and sent it up to my agents, with instructions to apply for a summons at chambers against A. B., simply to show cause why he should not pay over to me the sum mentioned in my affidavit. Accompanying this, I sent further instructions to counsel, referring to "Pulling's Law of Attorneys," on the subject, and to the case of *Yates v. Freckellin* in particular. Meanwhile, my town agents had found a case, in which they had been before engaged, of a precisely similar nature to mine, and in which a rule absolute had been granted "to pay over the money, and that an attachment issue for not answering the matters of the affidavit." The case was not reported as no cause was shown, but they sent a note of it with my second affidavit,

and instructions to counsel, who replied to them on the 19th of June, as follows:—

"Re A. B.

"I think it very probable that T.'s case, to which you allude, may be a precisely similar case to this; and I quite agree with you in thinking that Mr. Justice Hill was wrong. At the same time I think it quite clear that a judge at chambers would not grant an application which has been refused by a judge sitting in the Bail Court. It does not strike me that the authority quoted by Mr. Miller out of "Pulling on Attorneys" has anything to do with the point upon which the judge founded his decision. His lordship seemed satisfied that A. B. was employed as an attorney, and gave the undertaking" (to pay, I suppose) "as such; but his decision was, that the Court would not summarily interfere as between an attorney and his immediate agent."

Of course, I thereupon let the matter so far drop, and have since brought an action for the money, which is still pending. I cannot but regard myself as somewhat unfortunate in being heard before Mr. Justice Hill. Had the rule been moved in court before Cockburn, L.C.J., I believe (judging from other of his lordship's decisions) the result would have been different; but you may remember that at the end of last term, a number of small cases were sent into the Bail Court to be disposed of, and mine was one of them. With all respect, therefore, for Mr. Justice Hill's decision, I should not hesitate to make a similar application to the Court in a like case.

I may mention that upon my writing to the Secretary of the Incorporated Law Society as to an attorney's inserting his name at ten different places in the "Law List" (as is the case with "A. B."), I received a reply that the council of the Society had considered my letter, and that they expected, under the provisions of the Bill then before Parliament, and the regulations to be made by the judges, the objectionable practice I complained of would be prevented.

I am, Sir,

Your obedient servant,

JOHN MILLER.

Bristol, Sept. 5.

[It has been suggested that the certificate to be issued by the Incorporated Law Society, under the new Attorneys' Act, should explicitly state (as now) every place for which an attorney was certified, where he proposed to practise in more than one locality, and that the "Law List" should also, in each instance where it mentioned the name of such attorney as practising in any locality, state all the other places where he practised. The profession and the public would then be effectually put upon their guard against such dangers as those pointed out by Mr. Miller.—ED. S. J.]

THE LORDS JUSTICES.

Some time since your Journal contained a letter remarking upon the Lords Justices attending at the Privy Council instead of helping the Master of the Rolls and the Vice-Chancellors; but was your correspondent aware of the very considerable arrears of business in their own court? Whether too great encouragement may be given to appeals or not is another question; but surely unless their presence at the Privy Council is absolutely needed (a former correspondent of yours showed it was not), they should attend to the business of their own court in preference to what may be called (with due respect) voluntary judicial business. If it is desirable that appeals should not be heard too speedily, let that be provided against in a direct way—by ordering that they shall not be in the paper before a fixed time; but I do not see why the Lords Justices should not fill up any leisure they might have by hearing a variety of cases not likely to be sent to chambers. If the same judge is to work out his own orders, of course it would not be desirable that the Lords Justices, who have no chamber staff, should (though of course at present even they are obliged when they decide appeals to do so) go into matters that they cannot follow into chambers.

A. B.

It was mooted in your columns whether the Lords Justices could not assist the Master of the Rolls and other equity judges, by hearing matters not likely to involve a reference to chambers; and I think they can. Besides special cases, there are numerous injunction cases that evidently cannot be likely to go into chambers. Such a case as *Borghese v. Borghese*

that took a fortnight before Vice-Chancellor Wood not long ago is certain to come to them sooner or later; why, then, not save the expense of two hearings? This course was approved of by several of the law lords in *Egerton v. Brownlow*.

R. B.

The Provinces.

ASHTON.—On Saturday, the 25th ult., the magistrates of the Ashton division of the county of Somerset held a special session for the election of a clerk, in the room of the late Mr. Chadwick. There were fourteen applicants, but the choice fell on Mr. O'Donoghue, who for some four years and upwards has carried on a private practice in the city of Bristol. Mr. O'Donoghue is son of the late Lieut.-Colonel O'Donoghue of Cotham.

BRISTOL.—Mr. William Hazlitt, one of the registrars of the London Court of Bankruptcy, has been deputed to act for Mr. Charles Orme, Registrar of the Bristol District Court of Bankruptcy, who is incapacitated by illness from discharging the duties of his office.

LEEDS.—*Reg. v. Frances.*—3rd September.—This was an information laid before the Leeds borough justices under "the Joint Stock Companies Act, 1856," (19 & 20 Vict. c. 47) s. 31, against Joseph Francis, the Leeds district agent of "the District Savings' Bank, Limited," the head office of which is at 67, Fleet-street, London, for having, as an officer of such bank, issued or authorised the issue of a notice, advertisement, or other official publication thereof, wherein its name was not mentioned, whereby he had incurred a penalty of £50.—Mr. Bruce (instructed by Messrs. Ferns & Rook) appeared as counsel in support of the information; and Mr. Frost, for the defendant.—The facts proved in support of the information were that the defendant was an officer of the bank, and that he carried on its business at 22, Bond-street, Leeds, in the window of which he had caused to be painted in large characters the words, "Savings' Bank, incorporated by Act of Parliament." This, it was contended by the counsel for the prosecution, was the issuing by the defendant of "a notice, advertisement, or other official publication of the company wherein its name was not mentioned;" and was not at all cured by the fact that on a less conspicuous part of the building and in less conspicuous letters were inscribed the words, "District Savings' Bank, Limited."—The justices being of that opinion, after hearing the attorney for the defendant, convicted him and adjudged him to pay the full penalty of £50.—Mr. Bruce then withdrew a similar information against the same defendant for a similar offence.

The town clerkship of Leeds is now vacant, Mr. Ikin, who held the office for some years, having died on Tuesday last. The salary is £500 per annum.

SOMERSETSHIRE.—County courts for the several districts in this county are appointed to be held as under, for September—Axbridge, on the 12th, at 11 a.m.; Bridgewater, 14th, at 9.30 a.m.; Chard, 21st, at 10 a.m.; Crewkerne, 20th, at 10 a.m.; Langport, 19th, at 10 a.m.; Taunton, 17th, at 9 a.m.; Temple Cloud, 10th, at 1 p.m.; Wellington, 18th, at 10 a.m.; Wells, 11th, at 10.30 a.m.; Weston-super-Mare, 13th, at 10 a.m.; Williton, 15th, at 11 a.m.; Yeovil, 22nd, at 10 a.m.

SOUTH STAFFORDSHIRE.—On the 30th ultimo, the day appointed for the election of a gentleman to fill the office of coroner for the No. 4 district of the county, rendered vacant by the death of Mr. Hinchliffe, Mr. Hand, the under sheriff, attended at West Bromwich, for the purpose of proceeding with the election. In order that the large number of freeholders who attended might be properly accommodated, it was decided to conduct the election in the open air. At the hour appointed the under sheriff, accompanied by his officers, and Mr. Hooper, the only candidate, with his friends, proceeded to the spot, and business was commenced.—The Under Sheriff, having read the writ, called upon any gentleman to propose a candidate.—Major Ellwell, coming forward, said he was sure that every one must regret the cause of their being called together—the death of their late respected friend, Mr. Hinchliffe, who was well known, not only by every member of that meeting, but throughout the county. For twenty-five years had Mr. Hinchliffe's family been known in the county, and during the whole of that time had been esteemed as much as they were known. In introducing to them Mr. Hooper as a fit and proper person to fill the vacant office, he need only say that that gentleman had been deputy-

coroner for some time, and that he was worthy the honour to which he aspired. Belonging to the high profession which he did, his integrity and capability could not be doubted, and he was sure that the more he became known the more he would be respected. He felt sure, from what he knew of Mr. Hooper, that that gentleman would be able to carry out the important duties with which he asked at their hands to be entrusted. There had been some little unpleasantness—ill feeling—connected with this election, as there was with every contest of the kind; but he sincerely hoped that, the election over, all unfriendliness would be at an end, that each man would shake hands with his neighbour, and that they would again relapse into the calmness and peace which characterised them.—Captain H. Williams seconded the nomination, because he believed Mr. Hooper was, in every way, calculated to fulfil the duties of the coroner's office with credit to himself and satisfaction to the public at large. That gentleman had filled the office of deputy-coroner for a period of four years, and had on every occasion on which he had held an inquest satisfied both the jury and the inhabitants of the district in which he had officiated.—The Under-Sheriff, having ascertained that there was no other candidate, declared Mr. Hooper duly elected.—Mr. Hooper, in returning thanks, stated to the meeting that since he had been before them as a candidate for the office to which they had kindly elected him, he had received marks of goodwill and friendship which he had never expected to receive; and he might safely say that during the whole period of his canvass he had never once met with an unfriendly word, even from those who were supporting his some time opponent. He must gratefully thank all those freeholders who had promised him their votes, and felt more particularly obliged to those who had at great personal inconvenience been his more immediate supporters and friends. They had, he believed, known him sufficiently long to feel assured that he should fulfil his duties with at least honesty of purpose, and he trusted with ability, for he should bring all his exertions to bear on the point. His friend, Major Ellwell, being an invalid, and having come at great personal inconvenience to assist him, he should not be so ungrateful as to keep him there, in the open air, longer than was necessary to thank most heartily all those who had helped to place him in the proud position he now occupied.—The proceedings were brought to a close with three lusty cheers for Mr. Hooper.

Foreign Tribunals and Jurisprudence.

CAFFRERIA.—We take the following interesting account of law and lawyers amongst the Kaffir tribes from the last number of the *Quarterly Review*:—

"The legislative, judicial, and administrative departments are united. The laws originate with the decisions of the chief and his council, and this council forms the great law court of the tribe, in which the chief sits as judge, and decrees the execution of his sentences. There is no letter of the law to appeal to, but a collection of precedents, consisting of the decisions of former days, not contained in voluminous 'reports,' but fixed in the recollections, personal and traditional, of the 'lawyers' of the existing generation. These decisions constitute 'leading cases,' as it were, for the guidance of future judges. It is not therefore to the mere merits, or abstract justice, of the case that an appeal is ordinarily made in the Kaffir courts, but, as in our judicial system, rather to what has been decided in former days on some analogous question. The changing conditions of the tribes, and their increasing intercourse with a civilized people, have been the means of introducing more complicated questions than their traditional system of law enables their magistrates to deal with. Ancient decisions are becoming less applicable day by day to a more modern state of society, and the chiefs or their counsellors not being always able to find a guide in antiquity, like our own judges, sometimes boldly 'make a precedent,' in order to prevent a total failure of justice.

"They recognise a distinction, similar to that which exists in England, between criminal and civil law. In their criminal jurisprudence the sovereign, as the impersonation of the state, is held to be the party aggrieved, and the compensation is paid to the chief. 'No man can eat his own blood,' is the maxim which governs this procedure; and the fines levied for personal injuries are considered the 'price of blood.' The Kaffir 'criminal code' comprises all cases included under the general heads of treason, murder, assault, and witchcraft; the 'civil,' all that have relation to property, including as such a man's

wife as his principal 'chattel.' Reputation is jealously guarded by the Kaffir law; and the 'action for slander,' whenever resorted to on sufficient grounds, is always sure to result in heavy damages to the person aggrieved. The course of criminal law, however, in Kaffirland, proceeds on one principle, the very reverse of that which ought to regulate the administration of justice. An accused person is held guilty until he has demonstrated his innocence, and as with our neighbours across the Channel (who have at least the sanction of a South-African code for their procedure) is himself subjected to a most severe cross-examination, varied and repeated at the pleasure of his interrogators. Every advantage is taken of his confusion, unavoidable mistakes, and contradictions.

"The law is held in much honour in Kaffirria, and from its traditional character, and therefore 'glorious uncertainty,' gives ample employment to a learned profession: and few of our *Nisi Prius* lawyers can surpass these advocates in the keenness of their intellect and in the ingenuity of their cross-examinations."

"A system of appeals forms part of the administration of justice. They proceed in regular gradations, and the final one is made to the paramount chief, assisted by his 'judicial committee,' where the old Kaffir lawyers practise, whose profound knowledge of precedents has raised them to the highest dignity of their profession. The chief forms his decision upon the result of the investigation conducted by his counsellors, but takes no part in the case except to pronounce judgment. A party from the 'great place' is sent to enforce the decree, and, as the most important part of the process, to bring back the chief's share of the fine."

"The most heinous crime known to the Kaffir law is witchcraft, and invariably leads to the ruin or death of the suspected individual. Forfeiture of goods is the lowest penalty; therefore, no sooner does a subject grow rich than he is accused. A dangerous political eminence or personal ill-will is equally certain to provoke the charge. It is the office of a priest or 'witch-doctor' to discover the offender, who has of course been previously indicated by the chief; and in an assembly of the tribe, called for the special occasion, and with many solemn formalities, the unlucky victim is 'smelt out' by the priest, and led off to immediate imprisonment or execution."

Obituary.

JOHN HERBERT KOE, ESQ., Q.C.

It is with regret that we have to announce the death of Mr. Koe, Q.C., one of the oldest county court judges. The deceased gentleman was called to the bar by the Honourable Society of Lincoln's Inn, on the 22nd of November, 1810, and for many years practised at the chancery bar. In the year 1842, he was appointed one of her Majesty's counsel, and thereupon became a bencher of Lincoln's Inn, of which society, at the time of his death, he filled the distinguished office of treasurer. The health of Mr. Koe has for some time past been declining, but not so as to prevent him from attending to his public duties, in the performance of which he was most strict and regular, and his death has caused a gloom over the district where he presided. The vacancy on the roll of County Court Judges has not yet been filled up. Mr. Koe's death took place on Monday, the 3rd instant.

"We give the following curious law case, which came under the personal observation of an English resident. It will serve to elucidate the shrewdness of the amapakati, or Kaffir lawyers:—"

"A verdict was required in the case of a Kaffir, who, as plaintiff, brought on the trial, asserting that an ox of his had been stabbed, and a person eaten by six Kaffirs, who were placed at the bar as prisoners. They pleaded not guilty, on the ground that the ox had been gored by another ox, and, having died from the wound, they had eaten it, thinking it no harm. The case caused great excitement in the tribe, and the shrewdest amapakati were 'retained' for the trial. After a careful hearing, the senior prisoner made a very eloquent defence, and urged, that, from the length of the wound, it was quite impossible that a man could have inflicted it. He was heard throughout patiently; but when he finished an old amapakati cross-examined him thus:—Where did the ox's tail grow? On its rump.—How did it grow there, up or down? Down.—Where did its horns grow? On the head.—How did they grow there, up or down? Up.—If, then, that ox gored the other, to do so he would have to put his head down, and tear up, would he not? Yes.—He could not tear down, could he? No.—Now examine the wound, and see whether the first incision was made at the top or at the bottom? (With great reluctance) The wound is largest at the bottom. Finding: the ox was stabbed, not gored. The prisoners are guilty. Sentence: Each to be tied two cows. The judgment was received with great applause."

JOHN ARTHUR IKIN, ESQ.

The announcement of the death of Mr. John Arthur Ikin, town clerk for the borough of Leeds, which took place at his residence at Scarcroft, on Tuesday night, will be received with regret by all to whom he was known, either in his public or private character. Though it was known that Mr. Ikin's health had suffered seriously in the early part of the year, there had been sufficient improvement to justify the hope that he would be able to return to the duties of his profession, even if he should not resume the more harassing and onerous duties of the office which he held. His death, therefore, has been somewhat unexpected. Mr. Ikin was appointed town clerk on the 19th of July, 1843, on the resignation of Mr. Eddison, and he continued to discharge the duties of the office up to Monday, the 2nd of January last, when he was suddenly attacked by paralysis of the left side, after attending a protracted meeting of the council. This attack took place in his office at the Town Hall, and he was afterwards removed to Scarcroft, where he continued under the care of his medical advisers. He soon rallied, but not sufficiently to return to his duties; and at the quarterly meeting of the council on the 8th of February, a resolution expressive of the sympathy of the council was unanimously passed, and it was resolved that Mr. Ikin should be allowed six months' rest, Mr. J. Hope Shaw having kindly consented to act for him during his absence. On the expiration of this period, Mr. Ikin was not so far recovered as to justify his friends in asking for a prolongation of his leave of absence, and he tendered his resignation, which was communicated to the council on the 8th ult. It was not accepted, but a resolution was passed appointing a committee to consider and report as to the best mode of providing for the future performance of the duties of the office. Subsequently Mr. Ikin made arrangements for taking a partner, negotiations having been opened with Mr. Williams, and it is probable that the anxiety attending these arrangements had an unfavourable effect, for on Thursday last he had a relapse from which he never rallied. On Tuesday there were no hopes of recovery, and he expired a little before midnight. Mr. Ikin was in his fifty-first year. During the period he had held office under the council, he had discharged its duties so as to receive the entire confidence of the successive councils under which he sat, and his sudden prostration excited the liveliest sympathy throughout the borough, in which he was highly respected. He was the third town clerk under the reformed corporation, and his emoluments arose from salary (£500 per annum), and the legal business of the council.

THE LAW OF PROPERTY AMENDMENT ACT.

The subjoined letter from Lord St. Leonards explains the object of the Law of Property Amendment Act recently passed:—

"Boyle Farm, August 29.

"SIR,—In your money article of Monday last it is stated that the 23 & 24 Vict. cap. 38, empowers the Court of Chancery to invest trust funds in the securities raised under the authority of Parliament, such as those for the West India Islands, Turkish Guaranteed Four per Cents, &c., upon petition being presented by any of the parties interested."

"I believe that you will do good service by informing trustees and the persons for whom they are trustees how the law really stands under the two Acts of the last two sessions, for which I am responsible. I am not surprised that in this day's paper it is stated that the Act of the Session just ended, was brought forward by the Lord Chancellor, for his name was on the back of it, owing to his having, at my request, in my absence, laid it on the table and moved the first reading—in the House of Lords a matter of form. The Act was framed and carried through by me chiefly as a supplement to the Act of the previous session."

"Now, the law stands thus:—By the 32nd section of the 22 & 23 Vict. c. 35, where a trustee is not, by some instruments creating his trust, expressly forbidden to invest any trust fund or real securities in any part of the United Kingdom, or in the stock of the Bank of England or Ireland, or in East India stock, it is lawful for him to invest such trust money in such securities or stock, provided that such investment shall in other respects be reasonable and proper; and by the 12th section of the 23 & 24 Vict. c. 38, this clause is made to operate retrospectively."

"By the last-mentioned Act the Lord Chancellor, with the advice of the other equity judges, or any three of them, is empowered to make such general orders as to the investment of

cash under the control of the Court, either in the Three per Cent. Consols, or Reduced, or New Bank Annuities, or in such other stocks, funds, or securities as he shall with such advice see fit; and power is given to the Lord Chancellor to convert any Three per Cent. Bank Annuities, standing or to stand in the name of the Accountant-General of the Court in trust in any cause or matter, into any such other stocks, funds, or securities upon which, by any such general order as aforesaid, cash under the control of the Court may be invested. The orders for conversion are to be made upon the petition of any of the parties interested.

"By the same Act, trustees having power to invest their trust funds upon Government securities, or upon Parliamentary stocks, funds, or securities, may invest them in any of the stocks, funds, or securities in or upon which by such general order cash under the control of the Court may be invested.

“The result is, that trustees (including executors and administrators) may, unless forbidden by their trusts, invest the trust fund in real securities in Great Britain or in bank stock of England or Ireland, or in East India stock, which has been held to mean the old East India stock. The Court itself can invest cash in such stocks, funds, and securities as it shall see fit, and make a general order for the purpose; and upon the petition of parties interested Three per Cents. may be converted by the Court into such securities as cash may be invested upon under any general order; and trustees, with the usual powers to invest, may resort to the same securities. The power to the Court is general, and does not enumerate any particular securities, as it was considered that there was no danger of this power being unduly exercised. The principal assuredly will never be placed in danger in order to obtain a large interest.

"The 32nd section of the 22 & 23 Vict. c. 35, is not properly framed, but it is not likely to be abused, as trustees will, no doubt, act with great caution under it. By the Bill of the late session, as it was sent to the House of Commons, this clause was repealed, but that House not only rejected the repeal clause, but made the original clause retrospective. The new clauses relating to trust funds in the Bill of the late session were framed by me, with the approbation of all the equity judges, and invited in the House of Commons. There was another clause in substitution of the 32nd section of the 22 & 23 Vict. c. 35, which that House, of course, objected to adopt, as they were determined to retain the 32nd section as it stood.

"I have the honour to be, Sir, your faithful servant.

"ST. LEONARDS."

TESTIMONIAL TO A SOLICITOR.—It is not often that the client appreciates the services of his lawyer to an extent which induces him to pay the bill of costs and add something extra. The London, Chatham, & Dover railway company, however, at their last meeting, did resolve on such a step, as an act of justice to the extraordinary exertions and successful services of their counsel, Mr. Burke, and solicitor, Mr. Newman (of Messrs. Freshfield & Co.), and cordially voted them a splendid testimonial of plate, amidst a feeling generally expressed that it was well merited. So placing a hint to others to be zealous and honest in their clients' cause will not be without its influence on the profession. There are recorded two other recent instances of testimonials,—the one to Mr. Solly Flood, for his services in rescuing an innocent captain from a colonial prosecution; the other, to Mr. Nash, to testify to his exertions, at great pecuniary and personal loss, to break up and resist a gang of railway depredators.

The average number of petitions presented to Parliament during the five years ending 1859 was 8,676; the average number of signatures, 1,074,000. The number of petitions in the session 1890 was 24,264. The total number of signatures has not yet been summed up, but is computed at upwards of 3,000,000. The committee have made this session 54 reports. The number of petitions presented during the present session is very much larger than in any year since the first appointment of the select committee in 1832, with the single exception of the year 1843.

The report of the Select Committee on Lunacy, just issued attests the melancholy fact that lunacy is increasing in this country, and that at least one out of every 600 persons in England and Wales labours under this dreadful affliction. The committee seem to be of opinion that little alteration is required in the law with reference to public asylums, but they throw out several suggestions for the mitigation of the serious evils which they consider arise from the detention of large numbers of pau-

per lunatics in workhouses. Several changes are proposed in the regulations relating to private asylums; to the treatment of patients; to the confinement of persons of disordered intellect in single houses; and to chancery and criminal lunatics. The committee advise the consolidation of all Acts relating to this subject into three statutes, one having reference to public asylums, another to private asylums; and the third to chancery lunatics. The present commissioners, it appears, are of opinion that the recommendations of the committee could be carried out without rendering necessary an addition to the existing official staff.

Mr. Jonathan Rowland, of Berwick-upon-Tweed, has been appointed a commissioner to administer oaths in the High Court of Chancery.

English Funds and Railway Stock.

(Last Official Quotation during the week ending Friday evening.)

ENGLISH FUNDS.			RAILWAYS—Continued.	
Bank Stock	231	Stock	London and Blackwall.	69
3 per Cent. Cons. Ann. .	99½	Stock	Lon. Brighton & S. Coast	110
3 per Cent. Cons. Ann. .	99½	Stock	Lon. Chatham & Dover	108
New 3 per Cent. Ann. .	99½	Stock	London and N.-Watr..	100
New 2½ per Cent. Ann.	99½	Stock	Ditto Eighties	92
Consols for account ..	99½	Stock	London & S.-Westrn.	92
Long Ann. (exp. Apr. 6 of 1857) ..	"	Stock	Man. Sheff. & Lincoln.	94
India Debentures ..	"	Stock	Midland	97
Ditto 1859.	"	Stock	Ditto Birm. & Derby	97
India Stock	"	Stock	Norfolk	97
India Loan Scrip.	"	Stock	North British	93
India 5 per Cent. 1859.	"	Stock	North-Eastn. (Brwck.)	93
India Bonds (£1000) .	4 dis.	Stock	Ditto Leeds	94
Do. (under £1000)	"	Stock	Ditto York	93
Exch. Bills (£1000) ...	"	Stock	North London	104
Ditto (£500)	"	Stock	Oxford, Worcester, & Wolverhampton ..	"
Ditto (Small) ..	4 pm.	Stock	Porthmouth	116
		Stock	Scotch Central	116
		Stock	Scot. N. E. Aberdeen	116
		Stock	Ditto	116
		Stock	Do. Scotch. Mid. Stk.	89
		Stock	Shropshire Union ..	89
		Stock	South Devon	48
		Stock	South-Eastern	57
		Stock	South Wales	67
		Stock	S. Yorkshire & R. Dun	90
		Stock	Stockton & Darlington	90
		Stock	Vale of Neath	69
			<i>Lines of fixed Rentals.</i>	
		Stock	Buckinghamshire ...	97
		Stock	Chester and Holyhead	137
		Stock	Ditto 5½ per Cent. .	123
		Stock	Ditto 5 per Cent. .	114
		Stock	East Lincoln, guar. 6 per Cent.	140
		Stock	East and West India	140
		Stock	London and Gloucester	120
		Stock	Ditto Preference. .	92
		Stock	Lon., Tilbury, Stend. .	120
		Stock	Shrewsbury & Herefd.	109
		Stock	Wilts and Somerset ..	109
Railway Stock.				
Shrs. Birr. Lan. & Ch. June.	80			
Stock Bristol and Exeter .	102			
Stock Caledonian	94½			
Stock Cornwall	64			
Stock East Anglian	174			
Stock Eastern Counties ..	54½			
Stock Eastern Union A. Stock	42			
Stock Ditto B. Stock	30			
Stock East Lancashire	82			
Stock Edinburgh & Glasgow.	30½			
Stock Edin. Perth. & Dundee	109			
Stock Glasgow and South- Western	114½			
Stock Great Northern	117			
Stock Ditto A. Stock	133			
Stock Ditto B. Stock	113			
Stock Gt. Southn. & Westn. (Ireland)	71			
Stock Great Western	"			
Stock Lancaster and Carlisle	"			
Stock Ditto Thirds	"			
Stock Ditto New Thirds	110½			
Stock Lancash. & Yorkshire				

Births, Marriages, and Deaths.

BIRTHS.

BROWN—On Aug. 31, the wife of Charles William Brown, Esq., of 16 New Inn, Strand, Solicitor, of a daughter.
COLE—On Sept. 1, the wife of Henry Thomas Cole, Esq., Barrister-at-Law, of a son.
LAKE—On Aug. 23, the wife of James Phillips Lake, Esq., Barrister-at-Law, of a son.
TRESTON—On Sept. 1, at Dublin, the wife of John P. Treston, Esq., Solicitor, of a daughter.
WHEAT—On Aug. 26, the wife of John James Wheat, Esq., of a son.

MARRIAGES.

ANDERSON—HARRISON—On Aug. 30, James Thomas Anderson, Esq., Advocate, Edinburgh, to Ella, eldest daughter of the late Richard Harrison, Esq., Wolverton House, Bucks.

HAZELDINE—ROBINSON—On Aug. 23, Thomas Hazeldine, Esq., Louisa Ann, daughter of Isaac Robinson, Esq., Solicitor, Manchester.

INMAN—SALT—On Aug. 30, Mr. Leonard Inman, of Manchester, to Elizabeth Ann, eldest daughter of the late John Salt, Esq., Solicitor, Bolton.

JOHNSTON—SAYER—On Aug. 30, Patrick Johnston, of 36, Lincoln's Inn-fields, Solicitor, to Emma Jane, eldest daughter of the Rev. Edward Lane Sayer, M.A., of Weston, Thames Ditton, late vicar of Pulloxhill, Beds.

KEY—SANDFORD—On Aug. 23, William Francis Kemp, Esq., M.A. of the Inner Temple, Barrister-at-Law, to Julia Lane Grace Sandford, daughter of the late Sir Daniel Keyte Sandford, B.C.L., Gave.

MACPHERSON—MARTIN—On July 12, at Calcutta, Arthur George Macpherson, Esq., Barrister-at-Law, Chief Justice of the Small Cause Court, to Frances Caroline, eldest daughter of the late William Martin, Esq., of Calcutta.

SMITH-SPINKS—On Sept. 1, George Smith, Esq., of Queen's-place, Bath Hamersmith, to Frances Anne, relict of the late John Spinks, Esq., Solicitor, of Great James-street, Bedford-row.

DEATHS.

BOURKE—On Aug. 26, at Dublin, George Bourke, Esq., Solicitor.
POWELL—On June 22, at Graham's-town, Cape of Good Hope, aged 26, John Henry Fox, Esq., late of Windsor, Berks, Attorney-at-Law.
HEIN—On Sept. 4, John Arthur Hein, Esq., aged 50, Town Clerk of Leeds.
INGLETON—On Aug. 31, at York, William Singleton, Esq., Solicitor.

Unclaimed Stock in the Bank of England.

No amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

COLLINS, ANN, Spinster, Union-road, Clapham, & **ALEXANDER GRIFFIN**, Esq., Stonefield-street, Islington, £49 : 5 : 4 Consols.—Claimed by **ANN GRIFFIN**, wife of William Griffin, Jun. (formerly Ann Collins, spinster), & **ALEXANDER GRIFFIN**.
HENDERSON, Major JOHN ALEXANDER, Westerton, Stirlingshire, £4,017 10 : 10 Consols.—Claimed by **SIR JAMES EDWARD ALEXANDER**, Knight.
STEWART, JAMES, Brighton, **JOSEPH MAYNARD**, Keppel-street, Russell-square, & **WILLIAM JOHN HUGHES**, Lincoln's-inn, Esqs., £177 : 11 : 5 Consols.—Claimed by **JAMES SIVEWRIGHT** & **JOSEPH MAYNARD**, the trustees.

Heirs at Law and Next of Kin.

Advertised for in the London Gazette and elsewhere.

DANIEL GEORGE, formerly of Old Change, London, but late of 23, New Bridge-street, Moorfields, who died on or about Sept. 20, 1857. Next of kin to apply to the Solicitor of the Treasury, Whitehall.
OWEN, JOHN C., a major in the 41st Bengal Native Infantry, who died in John O'Dell or his sister, children of the above, to apply to Messrs. J. H. Dunn & Co. Merchants, Singapore, Bengal.
SMITH, HANNAH, formerly of Islington, then of Dover-street, Piccadilly, who died in 1809, or thereabouts. Luke Singer, son of the above, to apply to Messrs. Walters & Co., 9, New-square, Lincoln's-inn.
THORNTON, JAMES, late of Lavington, Wilts, who died on April 14, 1860. Children of Charles Baker, Bryant Biggs, or John Trowbridge, relatives of the above, to apply to Samuel Witty, Esq., Solicitor, Devises, on or before Nov. 3 next ensuing.

London Gazettes.

Windings-up of Joint Stock Companies.

UNLIMITED, IN CHANCERY.

TUESDAY, Sept. 4, 1860.

SALVENCY MUTUAL GUARANTEE COMPANY.—Vice-Chancellor Wood will proceed, on Nov. 1, at 12, to settle the list of contributories of this company.

LIMITED IN BANKRUPTCY.

FRIDAY, Sept. 7, 1860.

WEST OF ENGLAND IRON COMPANY (LIMITED).—Commissioner Hill will sit on October 4, at 11, to make a dividend, and for creditors to prove their debts.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Sept. 4, 1860.

DANES, GEORGE, H.P. 91st Regiment, 2, East Southernhay, Exeter, Devonshire (who died on July 18, 1860). Clarke, Gray, & Woodcock, Solicitors, Lincoln's-inn-fields. Oct. 1.

DEWICK, RICHARD, Bookseller, York (who died on March 19, 1860). J. & D. Russell, Solicitors. Oct. 24.

DAVIS, SARAH, Widow, formerly of Caledonian Cottages, Queen's-road, Baggerstone, then of No. 5, Suffolk-place, Hackney-road, and late of No. 4, Gwynnes-place, Hackney-road, Middlesex (who died on July 5, 1860). Howard, Solicitor, 69, Fenchurch-street, London. Oct. 10.

DEWAR, CHARLES, Gent., formerly of No. 18, Oxford-terrace, Clapham-road, St. Mary, Lambeth, Surrey, and afterwards of Sandhurst, Victoria, in Australia (who died on or about Nov. 6, 1854). Pool, Johnson, & Kincaid, 9 and 10, New-square, Lincoln's-inn. April 4.

DIXON, JAMES, Innkeeper, 3, Wallgate-street, Wigan, Lancashire (who died on or about July 17, 1860). John Kay, Tailor, 11, Church-street, Wigan, Lancashire, Executor. Oct. 15.

DONN, JOHN, Gent., 20, Wood-street, Spitalfields, Middlesex, and 1, Dorchester-place, New North-road, Hoxton, Middlesex, and 4, St. Margaret's, Hertford (who died on or about July 25, 1860). Parson, Solicitor, 31, Gracechurch-street, London. Nov. 10.

DUNLOP, CHARLES, Gent., Barford-Saint-Martin, Wilts (who died on April 26, 1859). Wilson, Solicitor, Salisbury. Oct. 11.

STARR, JOHN COOTE, Esq., Stanley-street, Fimlico, Middlesex (who died on or about July 7, 1860). Sandys, 3, Gray's-inn-square, London. Oct. 6.

TENN, JOHN, Farmer, Newton, Dalton, Lancashire (who died on Dec. 9, 1859). Remington, Solicitor, Ulverston, Lancashire. Oct. 1.

FRIDAY, Sept. 7, 1860.

ATKIN, WILLIAM, Brewer & Coal Merchant, York-town, Hamlet of Fimley, Surrey (who died on May 17, 1860). Meers & Andrews, Solicitors, Bagshot. Oct. 6.

BEY, FRANCES ANN PARTRIDGE, Widow, 49, Prospect-place, St. George's-road, Southwark, Surrey (who died on Aug. 7, 1860). C. Gray, 14, Velindre-place, Westminster-road, Surrey, Executor. Oct. 30.

BROWN, Mrs. SARAH ANN, Widow, Ben Craig Court, near Ross, Herefordshire (who died on June 11, 1860). Bizon, Son, & Anton, Solicitors, 38, Cannon-street, London. Nov. 30.

BURRELL, JANE, Gentlewoman, Wakefield (who died on March 9, 1860). Janson & Banks, Solicitors, Barston-square, Wakefield. Oct. 13.

BURRILL, ELIZA, Spinster, Worcester (who died on Jan. 27, 1860). Hobbes, Solicitor, Stratford-upon-Avon. Oct. 7.

DAVIES, JAMES, Ironmonger, Shrewsbury (who died on or about July 27, 1859). Palin, Solicitor, Shrewsbury. Nov. 3.

MAXWELL, JAMES JOHN, Wine & Spirit Agent & Merchant, Liverpool (who died on April 26, 1860). Nicholson, Solicitor, 43, Lime-street, London. Oct. 20.

SCHOFIELD, JAMES, Flannel Manufacturer, Heybrook, Rochdale (who died on Jan. 2, 1860). Cooper & Sons, Solicitors, 44, Pall Mall, Manchester. Oct. 31.

STEPHENSON, JAMES, Engineer, Derby (who died on July 21, 1860). Hayes, Twisden, Parker, & Co., Solicitors, 60, Russell-square. Nov. 6.

SWANEY, GEORGE, Gardener, 19, Colanade, Russell-square, Middlesex (who died on July 29, 1859). Mathew, Carter, & Bell, Solicitors, 102, Lead-mill-street, London. Dec. 4.

SYKES, JOSEPH, Grocer, 96, West-street, Leeds (who died on Aug. 18, 1860). Butler & Smith, Solicitors, 4, Park-row, Leeds. Oct. 13.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, Sept. 4, 1860.

ELLIOTT, ANNE LUCINDA, Widow, Bury House, Goldington, Bedfordshire, but at the time of her decease residing at No. 33, Oriental-place, Brighton, Sussex (who died Feb. 15, 1854). Elliott v. Browne and Others, V.C. Stuart. Nov. 2.

ELLIOTT, MARY, Widow, Bury House, Goldington, Bedfordshire (who died on Nov. 31, 1848). Elliott v. Browne and Others, V.C. Stuart. Nov. 2.

FRIDAY, Sept. 7, 1860.

BLAGO, FRANCIS, Surgeon, South Leverton, Lincolnshire (who died on or about March, 1860). Rogers v. Appleby, V.C. Kinsler. Nov. 5.

OGLE, Sir CHALONER, Baronet, formerly of Wilton-crescent, and afterwards of Eaton-place, Belgrave-square, Middlesex, and late of Brussels, Belgium (who died on or about Feb. 3, 1859). Ogle v. Vaughan, V.C. Stuart. Nov. 2.

Assignments for Benefit of Creditors.

TUESDAY, Sept. 4, 1860.

BROOKE, GEORGE, Ironmonger & Cabinet Maker, Newport, Salop. Aug. 30. *Trustees*, J. C. Icke, Mercer & Draper, Newport, Salop. *Sol.* Snail-wood, Newport.

COOK, THOMAS, Plumber & Glazier, Ludlow, Salop. Aug. 18. *Trustees*, S. Stead, Stone Mason, Ludlow; C. Hodges, Iron Founder, Ludlow. *Sol.* Urwick & Marston, Ludlow.

COOKES, SARAH ANNE, & **JOHN THOMAS RICHARDS**, Stationers & Printers, 51, Fenchurch-street, London. Aug. 29. *Trustees*, N. Griffiths, Ship & Insurance Broker, 2, White Hart-court, Lombard-street, London; E. Dewick, Wholesale Stationer, Ludbrook, London. *Sols.* West & King, 3, Charlotte-row, Mansion House.

CHANCE, JOHN, Currier & Leather Cutter, Kingsbridge, Devonshire. Aug. 31. *Trustees*, S. Dear, & W. R. Beer, Tanners, Kingsbridge, Devonshire. *Sol.* Weymouth, Kingsbridge, Devonshire.

DUNKERLEY, WILLIAM, & **EDWIN GREAVES**, Machinist, Tame Valley, Dukinfield, Chester. July 25. *Trustees*, W. Raines, Engine & Boiler Maker, Dukinfield, Chester; R. Brerley, Chemist & Druggist, Stalybridge. *Sol.* Toy, 154, Stamford-street, Ashton-under-Lyne.

EADES, GEORGE AUGUSTUS, Grocer & Provision Dealer, 17, Hyde-park-road, Landport, Portsea, Southampton. *Trustees*, C. H. Dorrington, Merchant, Portsea; F. Tilly, Merchant, Portsmouth. *Sols.* T. Cousins, Jun., 11, Union-street, Portsea; Sole, Turner, & Turner, 68, Alderman-bury, London.

GRAINGER, THOMAS, Grocer & Provision Dealer, West Bromwich, Staffordshire, Aug. 28. *Trustees*, E. Mand, Grocer, West Bromwich, Staffordshire; J. Aecough, Commission Agent, Handsworth, Staffordshire. *Sols.* Southall & Nelson, 3, Newhall-street, Birmingham.

FORDAY, ZENAS TRIVETT, Music Seller, 45, High Holborn, Middlesex. Aug. 30. *Trustees*, J. Shepherd, Music Publisher, 98, Newgate-street, London; T. E. Purday, Music Seller, 60, St. Paul's Church-yard, London. *Sol.* Gamp, 12, Paternoster-row, London.

SCHOFIELD, EDWARD, Coal Merchant, Sheffield. Aug. 8. *Trustees*, G. Saville, Grocer, Sheffield; J. C. Turner, Colliery Agent, Wombwell, Darfield, Yorkshire. *Sol.* Pysmith, Sheffield.

FRIDAY, Sept. 7, 1860.

AUCHTERLOWNIE, JOHN DONALD, Wine & Spirit Merchant & Chemist & Druggist, Knaresborough, Yorkshire. Aug. 13. *Trustees*, W. Melrose, Druggist, Micklegate, York. *Sol.* Parkinson, York.

BURDES, WILLIAM, Shipowner, Sunderland. Aug. 10. *Trustee*, A. Simey, Shipbuilder, Sunderland. *Sol.* Simey, 63, Fawcett-street, Sunderland.

GOLDSMITH, SAMUEL, Miller, Cornputy and Saxthorpe, Norfolk. Aug. 9. *Trustee*, H. J. Ireland, Farmer & Valuer, Wood Dalving, Norfolk. *Sole*, Ashurst, Son, & Morris, for Tillet, Norwich.

LITTLE, THOMAS, Travelling Draper, Cheltenham, Gloucestershire. Aug. 11. *Trustees*, W. Hathway, Woollen Merchant, Bristol; W. Mackinlay, Warehouseman, Glasgow. *Sol.* Wood, 19, Clare-street, Bristol.

MARSDEN, JOHN, Screw & Bolt Manufacturer, Orrell, near Wigan, Lancashire. Aug. 2. *Trustees*, H. Park, Iron Merchant, and R. Fox, Hopwood, Iron Merchant, both of Wigan; T. L. Bald, Commercial Traveller, Manchester. *Sol.* Fankhurst, 3, St. James'-chambers, South King-street, Manchester.

PARSONS, THOMAS, Fancy Hosiery Manufacturer, Leicester. Aug. 14. *Trustee*, J. Beales & F. Gill, Commission Agents, Leicester. *Sol.* Stevenson, Leicester.

SALMON, GEORGE, Grocer, 24, Charles-street, Portland-town, Middlesex. Aug. 10. *Trustee*, R. Waters, 2, Martin's-lane, Cannon-street, London. *Sol.* Macleure, 16, Harley-street, Middlesex.

WIGHTWICK, WILLIAM, Linen Draper, Fleet-street, London. Aug. 20. *Trustees*, J. Barnicot, J. Crocker, & S. Hindley, Warehousemen, all of 1 Friday-street, London. *Sol.* Heather, Paternoster-row, London.

Bankrupts.

TUESDAY, Sept. 4, 1860.

BOTTEN, CHARLES, Brass Founder, Crawford-passage, Clerkenwell, Middlesex (Charles Botten & Son). Com. Foulsham; Sept. 15, at 1.30.

and Oct. 16, at 12; Basinghall-street. *Off. Ass.* Stanfield. *Sols.* Lovell & Co., 14, South-square, Gray's-inn, London. *Per.* Aug. 30.
BRASINGTON, FREDERICK TAYLOR, Boot & Shoe Maker, Burslem, Staffordshire. *Com. Sanders:* Sept. 14, and Oct. 5, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Smith, Birmingham. *Per.* Sept. 3.
BUTLER, RICHARD, Tailor, 54, Long Acre, Middlesex. *Com. Goulburn:* Sept. 15, at 11.30; and Oct. 17, at 12; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Godfrey, 5, South-square, Gray's-inn. *Per.* Sept. 1.
DENIS, CHARLES, Importer of Foreign Merchandise & Wine Merchant, 49, North John-street, Liverpool. *Com. Perry:* Sept. 14, at 11; and Oct. 11, at 1. *Off. Ass.* Turner. *Sols.* Pemberton, Liverpool. *Per.* Aug. 24.
KENT, JOHN FREDERICK, Builder, Croydon, Surrey. *Com. Goulburn:* Sept. 14, at 3; and Oct. 17, at 2; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Tayloe, 4, Scotts-yard, Cannon-street, City. *Per.* Sept. 3.
MILNS, PHILIP, Bootmaker & Leather Cutter, Stamford, Lincolnshire. *Com. Sanders:* Sept. 18, and Oct. 9, at 11.30; Nottingham. *Off. Ass.* Harris. *Sols.* Law, Solicitor, Stamford; Hodgson & Allen, Birmingham. *Per.* Aug. 31.
PEREIRA, SILVANO FRANCISCO LUIS, & JOHN GRANT, Wine Merchants, 91, Great Tower-street, London (Pereira & Grant). *Com. Goulburn:* Sept. 14, at 11; and Oct. 17, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Wild & Barber, 104, Ironmonger-lane, Cheap-side, London. *Per.* Sept. 3.
SEARON, JAMES, Cabinet Maker & Furniture Broker, Leeds. *Com. Ayrton:* Sept. 17, and Oct. 11, at 11; Leeds. *Off. Ass.* Hope. *Sols.* Cariss & Cudworth, Leeds. *Per.* Aug. 25.
WATSON, WILLIAM PATMAN, Draper, 19, Hampstead-road, Middlesex. *Com. Goulburn:* Sept. 15, and Oct. 17, at 12.30; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Peckham, 40, Ludgate-street, City. *Per.* Sept. 3.

FRIDAY, Sept. 7, 1860.

FELL, JAMES, CURTIS, 50, New Compton-street, Soho, Middlesex. *Com. Fomblaque:* Sept. 19, and Oct. 17, at 2.30; Basinghall-street. *Off. Ass.* Graham. *Sols.* Mote, 33, Bucklersbury, London. *Per.* Aug. 31.
FREELAND, ROBERT, & JOHN FREELAND, Manchester, & Kirkcaldy, Dumbarton, Scotland, (Robert Freeland & Brother). *Com. Jemmett:* Oct. 12, & Nov. 2, at 11; Manchester. *Off. Ass.* Fraser. *Sols.* Sale, Worthington, Shipman, & Seddon, Manchester. *Per.* Aug. 4.
HOLDICH, THOMAS LAW, Ironmonger & Seedman, Hinkley, Leicester. *Com. Sanders:* Sept. 19, & Oct. 12, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Piter & Warden, Birmingham. *Per.* Sept. 1.
JOHNSON, GEORGE, Shoe Manufacturer, 13, Durham-place, Hackney-road, Middlesex, and 89, Lower Marsh, Lambeth, Surrey. *Com. Goulburn:* Sept. 24, at 11.30; and Oct. 18, at 2; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Jones & Arkcoll, 190, Tooley-street, Southwark. *Per.* Sept. 3.
KENT, JAMES OSBORN, Draper, Waterloo-place, Limehouse, Middlesex. *Com. Goulburn:* Sept. 24, at 11; and Oct. 18, at 1.30; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Ashurst, Son, & Morris, 6, Old Jewry, London. *Per.* Sept. 1.
SMITH, THOMAS JAMES, Tailor & Hatter, Bute-street, Linton, Bedfordshire. *Com. Goulburn:* Sept. 17, at 1.30; and Oct. 18, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Harrison & Lewis, 6, Old Jewry, London. *Per.* Sept. 1.
SPINKS, CHARLES, Bottled Beer Merchants, 9, Duke-street, Portland-place, Middlesex, in copartnership with Cameron Geddes (Charles Spinks & Co.). *Com. Goulburn:* Sept. 24, at 11; and Oct. 22, at 1; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Peeverly, 19, Coleman-street, London. *Per.* Sept. 5.
THOMSON, JAMES, JOHN THOMSON, & SAMUEL WOODHOUSE, Manchester & Scotch Warehousemen, Birmingham. *Com. Sanders:* Sept. 21, and Oct. 12, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Sale, Worthington, Shipman, & Seddon, Manchester, or Hodgson & Allen, Birmingham. *Per.* Sept. 3.
VOKINS, JOHN, & WILLIAM HUED, Horticultural Builders, Jubilee-place, Chelsea, Middlesex. *Com. Goulburn:* Sept. 27, at 2, and Oct. 22, at 12; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Clarke & Mead, 30, Bury-street, Saint James. *Per.* Sept. 1.
WOOD, MARY ANN, Straw Hat Manufacturer, Luton, Bedfordshire. *Com. Goulburn:* Sept. 21, at 2, and Oct. 22, at 1.30; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Harrison & Lewis, 6, Old Jewry, London. *Per.* Sept. 6.

BANKRUPTCY ANNULLED.

FRIDAY, Sept. 7, 1860.

DIXON, GEORGE, & JAMES CHARLES ADDOCK, Coach & Carriage Manufacturers, & Carpet Dealers, Aldersgate-street, London, and Coventry (described as Charles James Adcock). *Per.* Sept. 4.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, Sept. 4, 1860.

BURROWS, JOSEPH, Tailor & Draper, Woolton, Liverpool. *Sept. 27, at 11; Liverpool.*—**CLAYS, JOHN** Grocer, Merchant & Shipowner, Liverpool. *Sept. 27, at 11; Liverpool.*—**HERBING, WILLIAM**, Confectioner & Spice Merchant, Liverpool. *Sept. 25, at 11; Liverpool.*—**MATSON, SILVSTER**, Butcher & Ship Store Dealer, late of 50, Regent-road, Liverpool, now of Galton-street, Liverpool. *Sept. 25, at 11; Liverpool.*—**RIDGWAY, JOHN**, Merchant, Liverpool (John Ridgway & Co.). *Sept. 27, at 11; Liverpool.*—**ROBINSON, EDMUND WHITTENBURY**, Cotton Broker, Liverpool (Joseph Robinson & Son). *Sept. 27, at 11; Liverpool.*—**SANDFORD, GEORGE JOSEPH**, Linen Draper, Hosier, & Haberdasher, 85, High-street, Marylebone, and 37A, Clerkenwell-green, Middlesex. *Sept. 27, at 11; Basinghall-street.*

FRIDAY, Sept. 7, 1860.

AXTELL, JAMES ALFRED, WILLIAM RUDD KNIGHTS, & WILLIAM AXTELL, Tanners, 1, White's grounds, Bermondsey, Surrey, and of St. Neo's, Huntingdonshire. *Oct. 1, at 11; Basinghall-street.*—**FLOOD, MICHAEL**, Boot & Shoe Maker, Liverpool. *Sept. 20, at 11; Liverpool.*—**GUNMOE, JAMES**, Auctioneer, Mining, Insurance, & General Agent, High Cross-street, St. Austell, Cornwall. *Oct. 12, at 1; Exeter.*—**HODGE, JONATHAN**, Silversmith, Watchmaker, Jeweller, & Ironmonger, Helston, Cornwall. *Oct. 12, at 1; Exeter.*—**JACKSON, GEORGE VERNON**, Book-seller & Stationer, Chichester-place, Battle-bridge, Middlesex. *Sept. 18, at 11; Basinghall-street.*—**MORTIMER, JONATHAN, JUN.**, Woolen Cloth Manufacturer & Merchant, Dobroyd Mills, near Huddersfield. *Sept. 28, at 11; Leeds.*—**PRIZE, ROBERT FERDINAND**, Mer-

chant, Crosby Hall-chambers, Bishopsgate-street, London. *Oct. 1, at 12; Basinghall-street.*—**WALTON, GEORGE HOPKINOTT**, Linendraper, Tailor, & Grocer, Somerset, Somersetshire. *Oct. 12, at 1; Exeter.*

CERTIFICATES.

To be ALLOWED, unless Notice be given, and Cause shown on Day of Meeting, TUESDAY, Sept. 4, 1860.

AUSTEN, JOHN, Leather Seller, 31, Pierpoint-row, Islington, Middlesex. *Sept. 26, at 11; Basinghall-street.*—**READ, FRANCIS BENNETT JOHN**, Dealer, Leadenhall-market, and 12, Upper North-street, Bethnal-green, Middlesex. *Sept. 27, at 12.30; Basinghall-street.*—**OSCHARD, FREDERICK**, GEORGE, & GEORGE FREDERICK CUNNINGTON, Rick Cloth & Tent Manufacturers, 107, Brick-lane, Old-street, St. Luke's, Middlesex. *Sept. 27, at 12; Basinghall-street.*—**PORTER, THOMAS**, Chair & Cabinet Maker & Upholsterer, 8, Beauvoir-place, Kingland. *Sept. 27, at 1; Basinghall-street.*

FRIDAY, Sept. 7, 1860.

BENNETT, SAMUEL, Tailor, Draper, Dealer in Cigars, Tobacco, and Sewing Machines, Nottingham. *Oct. 30, at 11.30; Basinghall-street.*—**BLACFORD, JAMES BERRY**, Currier & Leather Seller, St. Stephen's Plain, Norwich. *Sept. 29, at 12; Basinghall-street.*—**COMBING, ANTHONY, JUN.**, Merchant, Liverpool. *Oct. 1, at 12; Liverpool.*—**CURTIS, GEORGE**, Licensed Vintner & Cattle Dealer, New-inn, Landport, Hants. *Sept. 29, at 12.30; Basinghall-street.*—**ELLIS, RICHARD**, Chemist & Druggist, Northampton. *Sept. 29, at 12; Basinghall-street.*—**FATYER, WILLIAM**, Boot & Shoe Manufacturer, Norwich. (W. Fryer & Company). *Sept. 28, at 12; Basinghall-street.*—**GIBSON, FREDERICK**, Baker, Tottenham-road, Kingland-road, carrying on business at Ball's Pond-road, Islington, and also at King-street, Turk-street, Bethnal Green, all in Middlesex. *Sept. 28, at 12; Basinghall-street.*—**GILKS, CHARLES HENRY**, Ironmonger & Gun Manufacturer, 3, Union-row, Tower-hill, and 327, Wapping, Middlesex. *Sept. 28, at 2; Basinghall-street.*—**GIVEN, JOHN**, Commission Agent, 1, Philpot-lane. *Sept. 28, at 12; Basinghall-street.*—**GRIDLEY, GEORGE**, Coach Maker & Cab Proprietor, 1, Matilda-street, Caledonian-road, Islington. *Sept. 28, at 12.30; Basinghall-street.*—**HOLGATE, GEORGE**, Grocer, Halifax. *November 12, at 11; Leeds.*—**LEVINE, AMELIA ANN**, Hosier, Liverpool. *Oct. 1, at 11; Liverpool.*—**MARRIS, JOHN**, Clothier, Outfitter, & General Dealer, Nottingham. *Oct. 28, at 11.30; Nottingham.*—**MITCHELL, THOMAS ROBINSON**, Apothecary, Liverpool. *Oct. 1, at 11; Liverpool.*—**OSBORNE, WILLIAM**, Printer, Bookbinder, & Stationer, Birkenhead. *Oct. 1, at 11; Liverpool.*—**PALIN, WILLIAM**, & JOHN CHAYES PALIN, Malsters & Dealers in Grain, Chester. *Oct. 1, at 11; Liverpool.*—**SANDER, SIMON**, Merchant, 58, St. Mary Acre, London. *Sept. 28, at 1.30; Basinghall-street.*—**SUTTON, LEWIS PHILIP**, Wine & Spirit Dealer, Aberavon, Glamorganshire. *Oct. 1, at 11; Bristol.*—**WOODRUFF, HENRY EATON**, Lace Manufacturer & Commission Agent, Nottingham. *Oct. 30, at 11.30; Nottingham.*

To be DELIVERED, unless APPEAL be duly entered.

TUESDAY, Sept. 4, 1860.

ENGLAND, CHARLES, Currier & Leather Dresser, Barton-upon-Humber, Lincolnshire. *Aug. 29, 3rd class.*—**LANGFORD, SAMUEL**, Leather Seller, 37, Myddleton-street, Clerkenwell, Middlesex. *Aug. 28, 2nd class, after suspension of three months.*—**SEATON, GEORGE**, Currier, Kingston-upon-Hull (John Martin Seaton & Son). *Aug. 29, 2nd class.*

FRIDAY, Sept. 7, 1860.

FERGUSON, JAMES WILLIAM, Bookseller & Publisher, 11, Paternoster-row, London, and New-court, Middle Temple. *Aug. 29, 1st class.*—**HORNBYFIELD, WILLIAM**, Merchant & Commission Agent, Manchester. *Aug. 30, 2nd class.*—**MCCLURE, JAMES, JUN.**, Manchester Warehouseman, Manchester. *August 30, 3rd class.*—**PORTMAN, WILLIAM**, Linen Draper and Hatter, 5, Bond-street, Brighton. *Aug. 30, 2nd class.*—**POWERS, HENRY**, Printer, 43, Leman-street, Whitechapel, Middlesex. *Aug. 29, 2nd class.*—**WRIGHT, SAMUEL**, Bow & Tavern Keeper, Manchester. *Aug. 31, 2nd class.*

Scotch Sequestrations.

TUESDAY, Sept. 4, 1860.

INGLIS, WILLIAM, JUN., Merchant, Leith. *Sept. 7, at 2; Dowells & Lyon's Rooms, 18, George-street, Edinburgh.* *Aug. 30.*
MARTIN, DAVID CALMAN, Rope & Sail Maker, Dundee. *Sept. 11, at 11; British Hotel, Dundee.* *Sept. Sept. 1.*

FRIDAY, Sept. 7, 1860.

ALEXANDER & LEGGAT, Ship & Insurance Brokers & Merchants, Glasgow, as a Company, & WILLIAM LEGGAT, Ship & Insurance Broker & Merchant, as the sole surviving Partner and as an Individual. *Sept. 13, at 12; Faculty Hall, St. George's-place, Glasgow.* *Sept. Sept. 2.*
BARR, ARCHIBALD, Manufacturer, Glasgow. *Sept. 11, at 12; Faculty Hall, St. George's-place, Glasgow.* *Sept. Sept. 3.*
DOBIE, JAMES, Farmer, Contractor, & Limeburner, D'Arcy, Newhatis. *Sept. 14, at 1; Bridge Hotel, No. 1, Princes-street, Edinburgh.* *Sept. Sept. 4.*
MILLAR, ANDREW, General Commission Merchant & Agent, Glasgow (Millar & Millar, General Commission Merchants & Agents). *Sept. 13, at 11; Faculty of Procurators' Hall, St. George's-place, Glasgow.* *Sept. Sept. 1.*
PARK, JOHN, Insurance Broker & Commission Merchant, Glasgow. *Sept. 14, at 12; Faculty Hall, St. George's-place, Glasgow.* *Sept. Sept. 5.*
PILLING, THOMAS, & COMPANY, Leather Factors, Glasgow, as a Company, and THOMAS PILLING & JOHN PILLING, Leather Factors, Individual Partners, as such, and as Individuals, and also THOMAS PILLING, as carrying on business at Port-Glasgow, as a Tannery (Greenhill & Co.). *Sept. Sept. 11, at 12; Faculty Hall, Glasgow.* *Sept. Sept. 4.*
SIMPSON, SAMUEL, sometime clerk, residing in Glasgow, and carrying on business as a Grocer & Tobacconist, Dunoon, and now clerk, residing in Glasgow. *Sept. 11, at 12; Faculty Hall, St. George's-place, Glasgow.* *Sept. Sept. 1.*
SMITH, JAMES, Coal Master, Muirhouse-dykes, Edinburgh. *Sept. 14, at 11; Dowells & Lyon's Rooms, 18, George-street, Edinburgh.* *Sept. Sept. 6.*
WATSON, THOMAS, Joiner & Cabinet Maker, Glasgow. *Sept. 11, at 12; Faculty Hall, St. George's-place, Glasgow.* *Sept. Sept. 3.*
WYER, JOHN, Wright, Carlisle. *Sept. 14, at 12; Faculty Hall, St. George's-place, Glasgow.* *Sept. Sept. 3.*

We cannot notice any communication unless accompanied by the name and address of the writer.

* Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher

THE SOLICITORS' JOURNAL.

LONDON, SEPTEMBER 15, 1860.

CURRENT TOPICS.

Some gentlemen in Liverpool, who are interested in shipping, have recently published a paper, showing the points of agreement and difference in the law of general average between the systems of jurisprudence in England, France, and America. We shall take an early opportunity of calling the attention of our readers to the most important features of this *brochure*. Having selected a number of sub-divisions and points included in the subject, the authors have been enabled to show at a glance, by means of a tabular process and parallel columns, how far these several systems agree, and how far they differ. The differences are in many respects very embarrassing to English merchants; and it would, no doubt, be of great advantage, not only to English, but to foreign shipowners, if there were but one code of maritime law for all States. We believe that the Liverpool manifesto is intended as the basis of a discussion at the approaching meeting of the Social Science Conference at Glasgow.

Another vacancy amongst the metropolitan police magistrates has been caused by the death of Mr. Jardine, the magistrate of Bow-street. It is to be hoped that the authorities will show greater regard to the professional qualifications of candidates than was exhibited in the selection of Mr. Knox, for the last vacancy. We believe that the Home Secretary, who has these good things in his gift, has not usually to complain of any want of qualified applicants for the office of metropolitan magistrate.

THE HUDDERSFIELD TENANT-RIGHT QUESTION.

A case of great interest, whether we regard the speculative principles which it suggests, or the many kindred, if not closely approximate, cases, which exist throughout the kingdom, has recently arisen between Sir John Ramsden, the landlord of Huddersfield, and a large portion, probably half, of his tenants in that town, who hold under Sir John Ramsden by a very debateable tenure. For time farther back than the litigants can determine, but particularly for the last seventy years, it appears that houses have been built in the town on plots of ground taken upon parol agreements from the landlord or his agents, on an alleged assurance that the tenants were not to be disturbed, but were to hold, in accordance with the custom then and there prevalent, by a tenant-right tenure, which was intended to designate an indefeasible parol letting regulated with a certain analogy, though not according, to terms identical with those which determine the tenure and rights of the lessees by written instruments. Indeed, except for purposes of sale or mortgage, one of the tenant-right lessees would appear to gain nothing by the acquisition of a legal instrument as evidence of his title. He might even be a loser by applying for it, and having his request granted; as it appears that when a tenant-right tenant had his tenure changed into a manifestly legal tenure by a sufficient instrument, this lease was not necessarily given him on the old terms of the letting, but, if the site had improved, might have imposed a higher rent. As facilitating a transfer of

his interest, however, the more expensive tenure by lease might have been in many cases more desirable than the parol letting, even if this latter title were indefeasible by the owners of the soil or fee. The vendee, or mortgagee, on having his name inserted as such on the rent roll, which the landlord did on receiving a written request signed by the tenant, was considered by those who were aware of the custom to have a good title. To extend the narrow limits in which alone confidence in such a title, or knowledge of such a custom, prevailed, seems to be the only possible object of a tenant's desiring a formal lease. Sir John Ramsden first showed an intention of enjoying his rights at law, by a refusal to accept vendees and mortgagees so (in his opinion) clandestinely introduced. He does not appear to have taken any steps against the direct tenants themselves. To these, if desirous of changing their tenure, so as to acquire power to sell or mortgage their interests, he has proposed the option of a ninety-nine years' lease; for which purpose he obtained an Act of Parliament in 1859, but which option the tenant-right holders do not wish to be obliged to exercise. The opinions of Mr. Ellis and Mr. Daniel have been obtained in reference to the rights of the tenants. Both opinions concur in assigning to the tenants the character of tenants at will, and having no further rights at law; while both opinions declare that the tenants possess a right to have the parol contract enforced in equity against the original owner, and those claiming under him, in all cases where money was expended on the faith of such contracts, if the terms of these contracts can be distinctly ascertained and proved. Mr. Ellis suggests, and, at the same time, refutes the possibility of the custom being old enough to be maintainable at law as an immemorial custom. The opinion that equity protects the tenants against the original owner, and those claiming in privity with him, but not against those in remainder, would seem, in point of fact, to declare a large portion of the tenants secure—viz., all who built and expended their money under parol contracts with members of the Ramsden family, who held prior and paramount to the settlement at present affecting the estate.

A class of cases, likely to be numerous enough in fact, but which have not been mentioned in the case upon which the opinions have been given, may exist, where the terms of the contract were sufficiently clear between the original lessor, say the present Sir John Ramsden's grandfather, and the representative of the present tenant. But are the monies expended by the present tenant, and by the intermediate tenants, who have been from time to time improving the building, as we suppose; from the time of the first acquisition of the site, to be regarded as expended in reference to the terms of the original contract, without direct proof of the landlord for the time being directly acquiescing in such outlay, and declaring, in some manner capable of being evidenced, that such acquiescence was yielded in reference to the terms of the original contract; that is, without evidence of a state of facts which would give a new and independent equity, against him? Notice under the circumstances, the terms being indistinct, is insufficient. If the tenant by parol letting expends money at random, he is without remedy; and Mr. Ellis considers the evidence of the custom inadequate to render it a legal aid. It is not, we think, available either as a sword, or a shield, at law, or in equity. The old buildings and improvements, if prior to the settlement at present disturbing the position of the tenants, are irrefragable; Sir John Ramsden having also obtained an Act of Parliament in 1859, empowering him, as we infer from the case and opinions, to bind those in remainder for ninety-nine years, his leases, and the tenant right, in the practice of which he acquiesced until about two years ago, are for this period likewise conclusive. But the probably large class of intermediate cases must be regarded as prac-

tically unfavourable to the rights and remedies of the tenants in equity, their only source of aid, by reason of the practical difficulty which the tenants will find in proving that the owners for the time being sanctioned expressly the expenditure of the tenants in direct reference to the original contract.

This litigation, from its theoretical relations alone, would appear likely to be complicated enough. The improvements were made not on parol promises of leases, but on the distinct understanding that there was no lease to be at any time executed, but that the parties were to repose confidence in an imaginary, because a legally infirm custom. Here, the lessor promises nothing but a waiver and abnegation of the statute of frauds. He promised, it is true, that the tenant should not be disturbed, and the legal principle, that every thing necessary to the enjoyment of the thing granted, should be presumed as granted, might be invoked to the aid of the tenant. But is not this presumption rebutted by the distinct actual statements which appear to have been frequently made by the owners of the fee, as also, by the fact, that plots were let by tenant right at two-pence a yard, while by lease the letting was at three-pence; thereby showing that a lease was not intended, at least with reference to the precise terms of the tenant right letting? However, the terms must be precisely proved to maintain such parol contracts in equity.

Legislation may embarrass, but cannot assist, the parties to such a contract. The principles of free-trade are equally applicable to civil, as well as international, transactions. Fiscal reasons may recommend positive legislation in both cases alike, but neither duties affecting foreign trade, nor the stamps and positive ceremonies imposed upon civil contracts, can much affect the interests to which they are applied. All tenant right laws, in their prospective operation, are not only futile and inoperative; but, as disturbing the settled values of holdings or tenancies, and, therefore, on the whole militating against the already weak side, are calculated to injure those whom they are intended to serve. Positive legislation cannot be expected to preclude private and special agreements waiving the benefit of its enactments. But even assuming that a law would be passed in the next session, declaring that all tenants should be entitled to compensation for their future improvements, such a law would serve only lessees, the parties already the most secure and least in need of protection, while to yearly tenants it could only give an opportunity to annoy their landlords, and not the power to enjoy, or derive any profit from, their own improvements, as a notice to quit could soon end their powers under the supposed statute. After the passing of such an Act, the rents of yearly tenants upon future lettings would be raised.

The theoretical impossibility of remedying the relations of landlord and tenant in the light now considered, and which, for the general welfare of the public as well as of the tenants, seem to excite our feelings of sympathy for the tenants, only proves that, if justice and expediency require a change in the law affecting contracts concerning land, the remedy is generally sought in the wrong direction. Legislative interference with contracts is a violation of first principles; and if we are determined to introduce positive legislation upon the forbidden region, we should not be surprised to find that such legislation, to be effectual, must be retrospective.

The Lord Chancellor has appointed James Whigham Esq. of the Northern Circuit, to the County Court Circuit, No. 37, vacant by Mr. Kee's death.

Mr. Utrick Bainbridge, of Alston, Cumberland, has been appointed a Commissioner to administer oaths in the High Court of Chancery.

Correspondence.

AUCTIONEER'S RIGHT TO RECEIVE DEPOSIT.

Conditions of sale provide that the purchaser shall pay into the hands of the vendor's solicitor a deposit of £10 per cent. on the purchase-money. At the time of sale a dispute arises between the vendor's solicitor and the auctioneer, the latter contending that the custom is to pay the deposit into the hands of the auctioneer. The former (the solicitor) contends that there is no immemorial custom that the auctioneer shall receive the deposit; and that as the rule always is to pay the balance of the purchase-money into the hands of the solicitor, this is *prima facie* evidence that the solicitor is the party entitled at common law to receive such deposit.

Although, perhaps, the rule in London is to allow the auctioneer to receive the deposit, the direct reverse, I believe, is the case with regard to country solicitors.

Suppose that in consequence of this dispute the property be not sold, is the solicitor or the auctioneer liable to an action? The auctioneer, in the present case, was chosen by the vendor himself, and not by the vendor's solicitor.

An answer in the shape of an opinion will oblige
A SOLICITOR.

LORD CRANWORTH'S TRUSTEES AND MORTGAGEES ACT.

In your article on "Law Reforms of the Session" last Saturday you omitted to notice a very important statute, 23 & 24 Vict. c. 145 (Trustees and Mortgagees Act). Was this accidental?

Sept. 11. VERB. SAP. SAT.

[We are obliged to our correspondent for calling the attention of our readers to Lord Cranworth's Trustees and Mortgagees Act. In reviewing the legislation of the past session it was plainly impossible for us to offer observations upon all the recent statutes affecting law and lawyers. We were of necessity obliged to confine ourselves to such as are of especial importance. Lord Cranworth's Act, moreover, has been more than once the subject of comment in this journal since his lordship introduced his Bill into the House of Lords; and we frequently called attention to it while it was before Parliament.—Ed. S. J.]

CHANCERY DELAYS.

There is a story told of an old equity judge that when he had given judgment he had the minutes of the order prepared and settled there and then, in the presence of the registrar, the counsel, and the solicitor, and would never afterwards listen to a word more about the matter. Could not something tantamount to this be usefully done now? If so, should we have to read the late letters in the *Times* about delays in the Registrar's Office, Mr. C. E. Lewis's letter to you, or your report of the scene between him and the Vice-Chancellor Stuart in court? The fact is that the judges are too much in a hurry to get through the business to bestow a moment's time on the form of the order. The registrar has not the opportunity to make any suggestions on the subject, and is left to his imperfect memoranda and recollection afterwards to frame the official record of the decision at which the Court has arrived. Five minutes' time then would save the delay of days and days after. But then, perhaps, a judge could not say he had got through so many causes a-day, and cleared his paper! [It seems to me that the real question is *how* the business is got through.] The evil of causes being put in the paper to be spoken to on the minutes, and then re-argued, is unquestionably abated; but it ought never to occur at all. A well-digested judgment should dispose of the merits and the form of the order as well. If the parties do not urge anything they have to say on either point at the proper time, their mouths should be closed afterwards.

A SOLICITOR'S CLERK.

FRENCH LAW.—ENGLISH STAMP ACT, 1860.

Can any of your readers inform me whether it is the law in France that a wife can be imprisoned for debt contracted by her for necessities for the joint benefit of herself and husband, the

wife not being engaged in any trade, nor having any separate estate, but living with her husband?

Also, what is the reason of the limitation of seven years in the enactment as to the stamp to be impressed upon an agreement for a lease in the Stamp Act of the last session, and what stamp is it necessary to put upon an agreement for a lease for more than seven years.

S. M.

BILL OF EXCHANGE ACT.

[We have received the following communications from correspondents in reply to the letter in our Journal of the 1st instant (p. 852).]

It is never obligatory upon a plaintiff to join two independent causes of action. Only one action, however, can be maintained in respect of one transaction. The Bill of Exchange Act only applies to bills not more than six months overdue. E. M.

I have been waiting to see if any one more competent would notice your correspondent's question as to issuing two writs—one under the Common Law Procedure Act for a part of a claim not included in a bill, and another under the Bill Act for what is included. I know it is very often done, and I do not see why a defendant should have the opportunity of appearing where the plaintiff holds a bill, or why, because he does not hold one for part of his demand, he should be prevented availing himself of the very salutary provisions of the Bill Act as far as he can? While dealing with this subject, let me ask if a necessary consequence of being enabled to sue on a cheque under the Bill Act is that interest can be recovered? and if so, at what rate.

P. P.

LAW LIST.—ATTORNEYS AND SOLICITORS.

Oblige me by space in your Journal for a few lines as to Mr. Miller's case. It appears to me that Mr. Justice Hill was correct in his decision. The country attorney was only the agent of the town attorney in serving the writ, and with this his agency ceased.

In the receipt of the money he acted without authority, and accordingly received it on account of the plaintiff. The plaintiff might then, as I apprehend, resort to the summary jurisdiction of the Court, and would do so successfully. I just suggest this view of the case, as it is one I have had occasion repeatedly to consider.

The absence of a precedent is not, as I submit, of much consequence where there is a clear principle of justice. I add that the question is ever of importance to the public, as a payment to an unauthorised agent is no discharge.

J. CULVERHOUSE.

THE LAW LORDS.

It was stated in the House of Commons that all the law lords, except Lord Lyndhurst, have been worked to death by attending to the judicial business. I am very much mistaken if Lord St. Leonards has been present above a dozen times during the session; and let me ask if four, or at the most five, days in the week of the short time left of it, after deducting the holidays, is such a period as can be fairly said to be likely to exhaust the energies of the remaining law lords? Most of them get £5,000 a-year, and one of those who do not has his retiring pension as a common law judge. I believe Lord Kingsdown is the only one who gets so small a remuneration as that attached to the chancellorship of the Duchy of Cornwall. Surely the public have a right to expect that something is to be done by those who are capable; and it is difficult to see how the little that is done can have seriously interfered with either their health or convenience.

X. Y. Z.

THE COMMON LAW JUDGES' CHAMBERS.

With reference to the letter that lately appeared in your columns on this subject, I wish to remark that the evil that it attempts to grapple with is a very grievous one. How judges, attorneys, and their clerks, can put up so long with the present abominable state of things is to me miraculous. The great art of attending a summons appears to be for both parties to talk at once, and the art of disposing of one for the judge to attend to neither. The pushing about, the noise, the unseemly contradictions, and in fact, the whole disgusting affair, should be made the subject of personal observation, and cannot be adequately

described in writing. It is clear no gentleman will trust himself there if he can help it, and no doubt many summonses are consented to, merely to avoid contact with so horrible a place. And yet the business transacted is of great importance, and ought to have the personal attention of the attorney, or a competent clerk. No one can predict the result of any summons;—it is as likely to be dismissed with costs as to be granted; four hours is a moderate time to wait, seldom less than three are occupied. Will it be believed that this nuisance is of many years' standing? Have the Law Society ever seriously applied themselves to redress it?

AN ATTORNEY'S CLERK.

The Provinces.

BIRKENHEAD.—*Liability of Volunteers to pay toll.*—A case of some interest to Volunteer Corps was heard in petty sessions, at the Birkenhead Police Court, on Thursday, the 6th inst., involving as it does in some degree the question of liability of Volunteer Corps to pay toll-dues. The complainant was Jane Lloyd, keeper of the Bidston toll-gate, who summoned William Tulston, a driver in the employ of Mr. Evans, coach and omnibus proprietor, for evading payment of toll on the 23rd of August last. The magistrates were Sir Edward Cust, the Rev. M. Coxon, and Messrs. Bryans, Case, Darbyshire, and Ewart. Mr. Bretherton appeared for the complainant, and Mr. Conway, barrister, ensign of the 1st Cheshire (Birkenhead) Rifles, represented the defendant.—The facts of the case were, that on the day named in the summons, the 23rd of August last, the volunteers, carried by an omnibus, drove through the Bidston toll-bar refusing to pay the usual toll. They were going to their practice ground at Leasowe, and they claimed exemption under the 3 Geo. 4, c. 126, which stated that any carriage or other conveyance conveying volunteer infantry, or any horses furnished by or for any person belonging to any corps of yeomanry or volunteer artillery or infantry, &c., going to or returning from any place of exercise, inspection, or review, or any other public duty, shall be free from toll. In course of the investigation it turned out that parties who were not volunteers, but who were employed in marking, might have been in the omnibus. On this the bench decided unanimously that the conditions entitling the defendants to exemption had not been observed. Mr. Conway then requested that a penalty might be inflicted to enable the defendants to appeal. A penalty of 41s. and costs was then inflicted, which would enable the volunteers to appeal under the Highway Act, or to take a case to a higher court. On the evening of the 6th, the Birkenhead volunteers again passed through the Bidston toll-gate, by omnibus, on their way to and from Leasowe, without paying the customary toll. On approaching the toll-gate a number of the volunteers dismounted, and, marching in single file, took possession of the gate, thus preventing its being closed by the keeper. This was done, it is understood, in consequence of an opinion expressed by the magistrates that day, that the parties who had been fined could have claimed exemption, provided none but volunteers had been on the omnibus; and they now, it is said, acted in accordance with the directions of the commanding officer. The question will, no doubt, be again brought before some of the courts.

LEEDS.—*The late Town Clerk of Leeds.*—We extract the following particulars respecting the late Mr. Ikin from the *Leeds Mercury* of Sept. 8th.—In the late town clerk the various requisites for his important office were happily combined; quickness of apprehension, soundness of judgment, a perfect mastery of the requisite legal and general knowledge, energy of character, and above all a high and delicate sense of honour which ensured confidence and respect from all parties. To these great qualities he added a thorough devotion to the municipal system, and a fund of experience, constantly accumulating during seventeen years of official life, which rendered his advice and guidance invaluable. In him the borough has indeed lost one of the best public officers it ever had. As a politician Mr. Ikin was a decided Liberal. He embraced liberal principles while studying in the University of London, and notwithstanding that the politics of his family were of the opposite character. This independence seemed at the time adverse to his interests, but, together with his personal character and professional abilities, it subsequently justly recommended him to the favour of the reformed Town Council of Leeds. Very early in his career, he was engaged in municipal and country revisions, and won the confidence of the leading Liberals of Yorkshire. He was

presented by the Earl of Carlisle, while Lord Morpeth, with a testimonial of his lordship's personal esteem and regard. The late Edward Baines, Esq., introduced him to the Whig party in Leeds, and the Right Hon. M. T. Baines had an equally high opinion of him. It is characteristic of Mr. Ikin that he never asked a favour from any Government or any official.

LIVERPOOL.—*Mr. Statham.*—Mr. W. Statham, late registrar of the Liverpool County Court, who had been apprehended at the suit of Mr. Samuel, banker, of Liverpool, who claimed £107 2s. 10d. upon a promissory note, and was lodged in Lancaster Castle, applied for his discharge on Friday, the 7th instant. From the insolvent's schedule it appeared that his liabilities were £7,772 12s. 1d., and his assets £87 10s., being a balance due on his salary. The former comprised tradesmen's debts and loans; and he had obtained from the Protection Life Office, £185; Adelphi Loan Society, £137; Central Loan Association, £70; Imperial Loan Society, £70; and the Tradesman's Loan Society, £250. One of his debts was the sum of £2,842 16s. 10d., due to the Lords of the Treasury. The insolvent's explanation of this account is as follows:—"A balance of money received and alleged to have been paid by the clerks of the county court of Lancashire, holden at Liverpool, unaccounted and wrongly given credit for, and for which I, as Registrar, was held liable. I deny receiving any of the amount to my own use, except my salary. The irregularities have arisen chiefly from my being unable to attend strictly to the checking of the amounts paid in daily, through the very long hours I was detained in court, being from ten until six o'clock, and frequently to seven and eight o'clock at night; consequently the senior clerk and cashier had unlimited sway, and the treasurer rarely audited the accounts until sometimes a month or six weeks after the proper time of audit." In his petition he also attributes his insolvency "to the losses above stated, and having to borrow money to meet the same—to the great pressure upon my time, having to be in the county court most days until seven in the evening, being unable thereby to devote the necessary time to the strict examination of the cash and other accounts of the clerks, and to my consequent dismissal from office in consequence of their defalcations."—Mr. M'Oubrey said his Honour would perceive that the insolvent has placed every fraction of his available property at the disposal of his creditors.—His Honour: Such appears to be the case; and, as no one opposes, the insolvent is discharged.

NEWCASTLE.—At the Newcastle Council meeting, on Wednesday, the 5th inst., there was an interesting discussion about the appointment of a stipendiary magistrate to succeed Mr. Ellison, removed to Manchester. Mr. Gregson moved that the vacancy should be filled up forthwith, upon which Mr. Harle moved an amendment, postponing the appointment and recommending that the names of the following gentlemen should be sent to the Lord Chancellor as fit persons to hold the commission of the peace in the borough, viz.—Messrs. R. B. Sanderson, jun., Joseph Cowen, sen., Somerset Beaumont, Richard Grainger, Henry Angus, and Henry Milvain. An objection being taken to this motion, so far as it proposed recommending any persons, Mr. Harle consented to confine himself to the first point, and upon this a division took place, ending in the rejection of the amendment. Some discussion followed on the point whether the bye-law under which Mr. Ellison was appointed was still operative; and the Town-Clerk having decided that it was not, Mr. Gregson's motion in an amended form was put and carried. At a subsequent period Mr. Harle introduced the latter part of his motion, and the names being put *seriatim* were approved by the Council, with only two dissentients, whose opposition was based on the principle that no addition to the magistracy was required.

TODMORDEN.—*Important game case.*—*Fieldens v. Sutcliffe and others.*—This case, which occupied the attention of the court at Todmorden for a considerable time, was heard before J. Crossley, Esq. (chairman), A. Ormerod, and J. C. Sutcliffe, Esq., on Thursday, September 6th. It was brought by the Messrs. Fielden Brothers, of Waterside, Todmorden, who charged defendant with trespassing in pursuit of game. Mr. James Stansfield, solicitor, appeared for the prosecution; and Mr. Cottingham, barrister, of Manchester, who had been instructed by Mr. W. P. Roberts, defended. In opening the case, Mr. Stansfield showed that the two defendants were, on the 13th of August, on Langfield-common in search of game; that Messrs. Fieldens' gamekeeper ordered them off the ground, but they would not go, and asserted that they had as much right to shoot upon that land as the Fieldens. He was fully prepared with evidence to show that no one but his clients had a right to kill game upon Langfield-common, Messrs. Fielden having arranged

with the freeholders for fourteen years, at £10 per annum, for the sole right to take game on the land. This right they were prepared, at any cost, to defend. He then called the gamekeeper to prove the trespass; and William Knowles, secretary to the freeholders of Langfield, to testify as to the genuineness of the agreement previously referred to. This agreement, he admitted, had only been signed by sixteen freeholders out of about forty.—Mr. Cottingham then strongly urged that the magistrates had no jurisdiction, as the whole matter was involved in a point of law, which they, as justices of the peace, had no right to entertain. If they did so, he contended there was no proof of ownership. The document produced, and purporting to be an agreement between the freeholders and Messrs. Fielden ought not to be put in, nor did it in any degree constitute evidence. He urged the Bench to dismiss the case, leaving it for a higher court to decide. The document did nothing more than protect Messrs. Fielden from action for trespass, and in no wise gave them power to prosecute parties such as his clients, who had received permission to shoot upon the land by freeholders who had not subscribed the document giving the Messrs. Fielden the right. Indeed, if that state of things were permitted, a freeholder's right to grant a friend the privilege to shoot would be destroyed. After some deliberation the magistrates unanimously agreed to dismiss both summonses, and the complainants gave notice that they should take the matter before the Court of Queen's Bench.

Ireland.

Mr. Thomas F. Callaghan, a member of the Munster circuit, who, though of short standing, has made himself favourably known both to the members of his profession and the public, and whose appointment as chief magistrate of Hong Kong we noticed a short time since, held, till his acceptance of his present office, that of chief magistrate and member of the Legislative Council at Hong Kong, the post of counsel to the Attorney-General, and was likewise Barrington Lecturer on Political Economy. Mr. Callaghan has also taken an active part in politics, and has had the rare good fortune to do so without forfeiting the good-will of those who differ from him. Of this he has had gratifying evidence in a dinner given to him by the members of his own profession, of all political shades, and including amongst their number several of the most distinguished names at the bar. We need only enumerate those of the present Attorney and Solicitor-General; Sergeant Lawson; G. B. Hickson, Q.C.; the Father of the Munster Bar; J. De Moleyns, Q.C.; E. Sullivan, Q.C.; T. R. Henn, Q.C.; F. W. Brady, Q.C.; C. Copinger, Q.C.; P. Blake, Q.C.; Sir C. O'Loughlin, Bart., Q.C.; H. E. Chatterton, Q.C.; Henry West, Q.C.; J. Clarke, Q.C.; J. Leahy, Q.C.; C. H. Hemphill, Q.C.; D. Sherlock, Q.C.; D. R. Kane, Q.C.; J. Peebles, Q.C.; C. B. Barry, Q.C.; R. Armstrong, Q.C.; C. Kelly, Q.C.; W. W. Brereton, Q.C.; S. W. Flanagan, Q.C.; Richard Lane, Q.C., and a large number of his confreres of the outer bar, making in all seventy-five members of the profession. Besides this compliment, the gentlemen alluded to have just presented him with a very handsome piece of plate, inscribed with the names of the donors, as a parting memorial of their esteem and regard. The oldest and most distinguished man at the bar might feel an honest pride in such a testimonial, and it must prove the best recommendation of Mr. Callaghan in the field of his new labours that he has won such friends for himself at home.

J. C. Cassidy, Esq., of the Home Circuit, succeeds Mr. T. F. Callaghan as Counsel to the Right Hon. the Attorney-General.

Mr. Patrick James Byrne, solicitor, and Clerk of the Crowns, having been proposed by Samuel Jackson Turner, J.P., Chairman of the board, and seconded by Major the Hon. A. G. F. Jocelyn, has been appointed solicitor to the Dundalk Harbour Commissioners, vice Macneil. Ten of the commissioners were in favour of Mr. Byrne's appointment, and three voted for his opponent.

THE MUSEUM.—From 1753, the year of foundation, to the 31st March of the present year, the total expense of the British Museum to the nation has been £1,382,733 13s. 4d. Mr. Panizzi states that there is room in the building, as it stands at present, for 800,000 additional volumes, and for a million altogether!—at the present increase, space enough to accommodate the receipts of fifty years to come.

Foreign Tribunals and Jurisprudence.

FRANCE.

(From the *Gazette des Tribunaux*, September 9, by WILLIAM HACKETT, Esq., Barrister-at-Law.)

At the Assize Court of Deux-Sèvres, Alexis Massé was charged with having intentionally caused the death of a M. Pétraud. The prisoner had hired a garden from the deceased, situated at Romagné, but the latter had reserved the right of keeping certain agricultural implements on the premises. M. Pétraud had frequently met with the wife of Massé in the garden, and having paid her certain attentions, the jealousy of the husband was soon excited. He determined to assure himself of the truth; and on the morning before the murder he concealed himself in the neighbourhood of the garden, so as to be able to see what might take place. About six o'clock he saw his wife come into the garden, soon followed by Pétraud. She did not remain long, and as soon as she retired was followed by Pétraud. The next day Massé returned to the garden, and in order the better to watch his wife, he dug alongside of the wall a trench in which he might lie at full-length, and over which he stretched a vine-branch to cover him. He remained there some hours without any result. About noon he returned to the same place. At one o'clock he saw Pétraud enter by himself, then again retire, and finally return at three o'clock, accompanied by the wife of Massé and her little girl of eleven years of age. Massé, concealed in his trench, had with him a bottle of brandy, from which he occasionally refreshed himself; and in this position, his soul filled with thoughts of revenge, he watched his unsuspecting victim. He saw his wife pulling peas, while Pétraud was plucking beans; then having finished, Pétraud came to assist Mme. Massé. When she had finished her task—about five o'clock—she went towards the garden-house to deposit her apron-full of peas. Pétraud followed, while the child remained outside. Then Massé, fired by jealousy, and believing that his wife was unfaithful, arose and concealed himself behind a wall opposite to the door of the house, and the moment his wife appeared he threw himself upon her, and struck her violently in the head and on the arm. He then entered the house, knocked down Pétraud with a blow of his stick, and seizing an iron spade, he struck him several times on the head and arms. Meanwhile, the wife and child escaped to the high-road, and alarmed the neighbourhood by their cries for assistance. Witnesses soon come up, and on entering the garden find Massé still striking at his unhappy victim, and loading him with reproaches and insults. The bystanders are so terrified by the ferocity of the man that they are afraid to approach until he has gone away. At length he departs, and they raise up the unfortunate Pétraud, who dies, protesting his innocence.

The *pieces de conviction* were placed before the Court and jury. These consisted of a bench stained with blood, on which Massé pretended that he had surprised his wife and Pétraud in *flagrante delicto*; then the piece of wood with which Massé had struck his wife, the garden-spade, the clothes of the accused and the deceased, both stained with blood; the shoes of Massé, one of which bore a large spot of blood, which went to show that the accused had trampled on his victim while stretched on the ground; finally, the half-filled bottle of brandy which he had resorted to for excitement to the crime.

The accused, on his interrogatory, maintained that he had had for some time grave suspicions of his wife's infidelity with Pétraud; that he had watched them from his place of concealment, and having seen them enter the garden-house, he had surprised them in a position which left no doubt as to their guilt; that he had then lost all command over himself, and had struck Pétraud without knowing what he was doing; that his memory could not even supply any accurate details as to the details of this deplorable affair. It appeared from the surgical evidence that there were eighteen wounds on the body of Pétraud, the principal of which were on the head. There were no marks on the clothes of Pétraud to confirm the defence set up by the accused. Many other witnesses were examined, who stated in detail the circumstances before noticed; it was also said that Massé had, in the first instance, made no charge of having surprised his wife and Pétraud in the fact, but had made a statement to the contrary.

The wife of the prisoner was not examined, but the declarations made by her and her son to the witnesses on the spot, at the moment the crime was committed, and the depositions made by them were equally opposed to the defence of Massé. The wife positively denied that she had ever done anything wrong with Pétraud, although he had sometimes paid court to her

against her wishes; that she had only been a moment in the house with Pétraud when Massé came furiously towards them and commenced his attack.

Some other witnesses deposed that on the evening of the day of the crime Massé had been heard to say, "I have just done a deed I have long desired to do. I have long suspected my wife. I did not discover her in any act—in fact, there was not sufficient time; my wife was leaving the house when I came up."

An incident of the trial then occurred which seems strange to those accustomed to the proceedings of English tribunals. A witness, M. Proteau, was produced to prove a previous infidelity committed by Massé's wife with the witness, long before the time of the murder. Proteau, however, declared that he had never had any criminal relations with Mme. Massé. No evidence was produced for the defence which in any manner proved that improper intercourse had taken place between Mme. Massé and the unfortunate Pétraud.

After the speech of the counsel for the defence and the summing-up of the judge, the jury, after a few minutes' deliberation, returned a verdict of Not guilty (*non culpabilité*).

[The verdict in this case seems to imply that, in the minds of a French jury, fair grounds of suspicion of a wife's infidelity are a complete justification of the murder of her supposed paramour.]

The report of the Scotch Registrar-General for the second quarter of 1860 shows an excess of births over deaths amounting to 10,158; the estimated population at the end of the quarter was 3,152,478. In England in the same period the natural increase was 63,036, and the estimated population was about 20,000,000. The marriages in Scotland in the quarter were a little above the average; there were 1,299 in April, 1,006 in May, 2,997 in June—three in June for every one in May. The births (28,311) were one to every 28 persons, 352 to 10,000, the average being 355. The mortality was heavy. 18,153 deaths were registered—a mortality at the rate of 233 annually in every 10,000, or one in every 42, the average for this quarter being only 200, or 1 in every 50. The state of the weather in Scotland, says the registrar, has more to do with the mortality than any class of diseases. The difference between the town and country districts is very remarkable. In the towns there was one marriage in every 129 persons, in the country only 1 in 177; in the towns the births were 1 to every 25 persons, in the country only one to every 30; in the towns the deaths were at the annual rate of 1 in every 37 persons, in the country only 1 in every 53. The difference between the mortality of town and of country is enormous; in every 10,000, 270 died in the one and only 186 in the other, amounting very nearly to three deaths in the towns for every two in the country. In England the difference is very much less than this. Of the children born in Scotland during the quarter, 2,494 were illegitimate—8.8 per cent. of the whole number born, or one in every 11.3. In England, in the latest return (1858), the proportion was less by a fourth. In the northern and north-western divisions of Scotland the proportions were but 4.9 and 5.8 per cent. of the births; in the south-western, which includes the great manufacturing and mining countries, only 7.3 per cent.; but in the southern and the north-eastern counties, where the population is chiefly engaged in agricultural pursuits, the proportion of the illegitimate was 12.2 and 13.7 per cent. respectively.

The following parliamentary changes took place last session:—Mr. J. R. Walker has been returned for Beverley, in the room of Mr. Ralph Walters, declared not duly elected in 1859; Mr. H. C. E. Childers has been returned for Pontefract, in the room of Mr. W. Overend, declared not duly elected by an award made by Sir J. Coleridge; Mr. J. D. Dent has been returned for Scarborough, in the room of the Hon. W. H. F. Denison, elevated to the Upper House on his accession to the Londesborough peerage in consequence of the death of his father; the Hon. C. Carnegie has been returned for Forfarshire, in the room of Viscount Duncan, elevated to the Camperdown peerage in consequence of the death of his father; Mr. G. Cubitt has been returned for West Surrey in the room of Mr. H. Drummond, deceased; Captain Stackpool has been returned for Ennis, in the room of the Right Hon. J. D. Fitzgerald, appointed an Irish judge; Mr. R. Padmore has been returned for Worcester, in the room of Mr. Laslett, retired on account of ill-health; the O'Connor Don has been returned for Roscommon, in the room of Captain Goff, unseated on petition; Mr. Calcutt has been returned for Clare, in the room of Colonel Luke White; Mr. McCormick has been returned for Londonderry, in the room of

street, Lincoln's-inn-Fields, London, £105 : 10 : 8 Consols.—Claimed by
HERY SOLOMON, the survivor.
PINCHES, ELIZA, wife of Thomas Ryan Pinches, die Sinker, Oxendon-
 street, Haymarket, & SARAH JANE GARRARD, Spinster, St. George's-
 road, Southwark, £64 : 2 : 10 Consols.—Claimed by ELIZA PINCHES &
 SARAH JANE PINCHES (formerly Garrard, now the wife of John Pinches).
UPTON, WILLIAM, Gent., Colworth, Chichester, two dividends on £2,800
 New 3½ per Cents.—Claimed by HENRY UPTON, of Aldwick, Sussex,
 surviving executor.

London Gazettes.

Professional Partnership Dissolved.

TUESDAY, Sept. 11, 1860.

FERTON, WILLIAM ANTONY, & WILBERFORCE HELLAS, Attorneys & Solici-
 tors, Stroud, Gloucestershire. Sept. 7.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Sept. 11, 1860.

AVINS, THOMAS, Timber Merchant, Birmingham (who died on June 8,
 1860). Henry Avins, administrator, Worcester Wharf, Birmingham.
 Dec. 25.

BARRS, JONATHAN, Gent., Crowland, Lincolnshire (who died on Aug. 6,
 1860). Brown, Solicitor, Market Deeping. Six weeks from Sept. 10.

CROSS, JONATHAN, Wire Drawer, Old-street, St. Luke's, Middlesex (who
 died on April 15, 1860). Crosby, Solicitor, 3, Church-court, Old Jewry,
 London. Oct. 31.

CARRAS, ROBERT, Gent., 32, Harrington-street North, Hampstead-road,
 Middlesex (who died on May 13, 1860). Dobie, Solicitor, 31, Bedford-
 row. Sept. 30.

HOW, ALEXANDER JOHN McDONALD, Surgeon, Castle-gate, Berwick-upon-
 Tweed (who died on Oct. 2, 1859). Rowland, Solicitor, Berwick-upon-
 Tweed. Oct. 5.

HYKETT, JOSEPH, Chemist & Druggist, Fellmonger, & Wool Merchant,
 Neath, Glamorganshire (who died on Feb. 15, 1858). Randall, Solicitor,
 Neath. Nov. 5.

MARTON, GEORGE, Wholesale Tea & Coffee Dealer, Sisters-place, Church-
 street, Stoke Newington, Middlesex, and 8, Eastcheap, London (who
 died on June 1, 1856). Carr, Solicitor, 25, Rood-lane, London, E.C.
 Nov. 1.

MATWELL, JAMES JOHN, Wine & Spirit Agent & Merchant, Liverpool (who
 died on April 26, 1860). Nicholson, Solicitor, 48, Lime-street, London,
 E.C. Oct. 20.

SMAY, MRS. ANN STANTON, Widow, Stanhope-place, Mornington-crescent,
 Camden-town, Middlesex (who died on July 9, 1860). Sladen, Solicitor,
 14, Parliament-street, S.W. Oct. 15.

WHATLING, GEORGE, Farmer, Fressingfield, Suffolk (who died on Oct. 11,
 1859). Heffill & Salmon, Solicitors, Diss, Norfolk. Oct. 19.

FRIDAY, Sept. 14, 1860.

DUNNEGAN, SEMINA, Widow, Clarence-grove, Everton, Lancashire (who
 died on Oct. 22, 1859). Worship, Solicitor, 53, North John-street,
 Liverpool. Sept. 22.

JAMES, WILLIAM PRICE, Malt, Manure, & Seed Dealer, Pulneyric,
 Mathern, Monmouthshire (who died on June 17, 1860). Parnell & Brown,
 Solicitors, 23, Baldwin's-street, Bristol. Dec. 31.

MATWELL, JAMES JOHN, Wine & Spirit Agent & Merchant, Liverpool (who
 died April 26, 1860). Nicholson, Solicitor, 48, Lime-street, London,
 E.C. Oct. 20.

NEWPORT, REV. MATTHEW, D.D., Belize, British Honduras, and Rector of
 Markfield, Leicestershire (who died on or about April 22, 1860). Ingram,
 Solicitor, Leicester. Nov. 1.

PICKERING, WILLIAM, Land Surveyor, Axminster, Devonshire (who died
 on July 6, 1859). Tucker, Son, & Forward, Solicitors, Chard, Somerset.
 Oct. 1.

VERNON, LEICESTER VINCEY, a Captain in the Royal Engineers, Addington,
 Berks (who died on April 14, 1860). Jenkyns, Phelps, and Bennet,
 Solicitors, 14, Red Lion-square, Middlesex. Nov. 1.

WILLIAMS, THOMAS, Esq., Perry, Hartlebury, Worcestershire (who
 died on Jan. 21, 1859). Marey & Whitcombe, Solicitors, Bewdley.
 Nov. 3.

WOBRALE, SAMUEL, Timber Merchant, Bewdley, Worcestershire (who
 died on Jan. 20, 1860). Marey & Whitcombe, Solicitors, Bewdley,
 Nov. 3.

YOUNG, FRANCIS MORTIMER, Civil Engineer, 3, Park place, Leeds (who
 died on Jan. 26, 1860). Rawson & Best, Solicitors, Benson's-buildings,
 Park-row, Leeds. Oct. 15.

Assignments for Benefit of Creditors.

TUESDAY, Sept. 11, 1860.

CORWON, SAMUEL, Printer & Stationer, Liskeard, Cornwall. Sept. 3.
Trustee, G. Barrett, Spinster, Liskeard. Sol. Gard, Devonport.

HUGHES, HUGH, Cabinet Maker, Amwibach, Anglesey. Sept. 8. *Trustees*,
 J. Jones, Painter, Llangefni, Anglesey; H. Hughes, Farmer, Llangefni.
 Sol. Hughes, Holyhead.

SEARS, ISIDORE, London Provision Merchant, 4, Postern-row, Tower-hill,
 London. Aug. 28. *Trustees*, H. Wood, 141, Minories, London; A. E.
 Burrell, 57, Minories, London; C. F. Moir, 5, Mary-place, Poplar, Mid-
 dlesex. Sol. Mossop, 10, Moorgate-street, London.

TROSBELL, JOHN, Awl Blade Manufacturer, Westbar-green, & Malinda-
 street, Sheffield, Yorkshire (Thornhill Brothers). Sept. 1. *Trustees*, J.
 Buke, Merchant, Union-street & New Porter-street, Sheffield; J.
 Brownless, Joiner & Builder, South-street, Sheffield; J. Slack, Leather
 Coffer, Steelbank, Sheffield. Sols. Bramley & Gainsford, Sheffield.

TUNNER, STEPHEN, Butcher, Child Okeford, Dorsetshire. Aug. 30.
Trustees, R. B. Warren, Yeoman, Child Okeford; H. J. Applin, Yeoman,
 Manston, Dorsetshire. Sols. King & Johns, Blandford.

FRIDAY, Sept. 14, 1860.

BROWN, CHRISTOPHER, Tailor & Draper, Durham. Sept. 10. *Trustees*,
 J. Angus, Draper, Newcastle-upon-Tyne; T. Watson, Draper, New-
 castle-upon-Tyne. Sol. Watson, 6, Sadler-street, Durham.

BROWN, JAMES WILLIAM BOATWRIGHT, Sealing-wax Manufacturer, 39,
 Watling-street, London, and 17, St. Saviour's-churchyard, Southwark
 (Boatwright, Brown, & Co.) Sept. 4. *Trustees*, G. Harpaz, 33, Ab-
 church-lane, London. Sols. Watson & Sons, 12, Bouverie-street, Fleet-
 street, London.

EVELEIGH, FRANCIS, Draper, Manchester. Sept. 3. *Trustees*, Gillibrand
 & Francis, Merchants, Manchester. Sols. Sale, Worthington, Shipman,
 & Seddon, 29, Booth-street, Manchester.

FERGUSON, GEORGE, Draper & Grocer, Frosterley, Durham. Aug. 17.
Trustees, G. Thompson, Agent, Newcastle-upon-Tyne; R. Bell, Grocer,
 Newcastle-upon-Tyne. Sols. Chater, Arnott, & Chater, Mosley-street,
 Newcastle-upon-Tyne.

MATTHEWS, JOSHUA, Tailor & Draper, Blackburn, Lancashire. Sept. 4.
Trustees, W. Prince, and T. Wharman, Merchants, Manchester. Sols.
 Sale, Worthington, Shipman, & Seddon, 29, Booth-street, Manchester.

NEWBOLD, ISAAC, Draper & Outfitter, Sheffield. Aug. 28. *Trustees*, T.
 Shackleton, and J. Shackleton, Manufacturers, Hebdon Bridge, York-
 shire. Sol. Sutcliffe, Hebdon Bridge.

REIDE, WILLIAM HENRY, Wine & Spirit Merchant, Ryde, Isle of Wight.
 Aug. 22. *Trustees*, D. Hart, & L. Hart, Wine Merchants, 42, Trinity-
 square, Tower-hill, London. Sols. Michael, 7, Old Jewry, London; or
 White, Ryde, Isle of Wight.

RITCHIE, GEORGE, Grocer & Tea Dealer, Newcastle-upon-Tyne. Aug. 10.
Trustees, E. Wood, Merchant, and R. Turnbull, Agent, Newcastle-upon-
 Tyne. Sol. Story, 16, Market-street, Newcastle-upon-Tyne.

Bankrupts.

TUESDAY, Sept. 11, 1860.

BARDES, JOHN HEATH, & WILLIAM HENRY ELLIS, Iron Merchants, Liver-
 pool (J. H. Barbes & Co.). Com. Ferry: Sept. 17, at 12; and Oct. 15,
 at 11; Liverpool. Off. Ass. Cazenove. Sols. Hayes, Wolverhampton,
 or Evans, Son, & Sandys, Commerce-court, Lord-street, Liverpool. Pet.
 Aug. 11.

FORD, JAMES, & EDWARD YOUNG, Cabinet Makers, North Portman-mews,
 Portman-square, Marylebone, and 294, York-street, Middlesex (Ford
 & Young). Com. Goulburn: Sept. 20, at 2; and Oct. 29, at 1; Basing-
 hall-street. Off. Ass. Pennell. Sol. Stophar, 36, Coleman-street, City.
 Pet. Sept. 6.

FREELAND, ROBERT, Manchester, & JOHN FREELAND, Kirkintilloch, Dumbar-
 ton, Merchants (Robert Freeland & Brothers). Com. Jemmett: Oct. 12,
 and Nov. 2, at 11; Manchester. Off. Ass. Fraser. Sols. Sale, Worthing-
 ton, Shipman, & Seddons, Manchester. Pet. Aug. 4.

HOLDEN, JOHN THIRPIT, Jeweller, 50, Hockley-street, Birmingham. Com.
 Sanders: Sept. 24, and Oct. 15, at 11; Birmingham. Off. Ass. Whit-
 more. Sol. Smith, Birmingham. Pet. Sept. 10.

HOPKINS, ALFRED EDWARD, Law Stationer, 20, Gresham-street, London,
 and of Shrewsbury. Com. Goulburn: Sept. 28, at 2; and Oct. 29, at
 12; Basinghall-street. Off. Ass. Pennell. Sols. Tate & Dodd, 22,
 Bucklersbury, London. Pet. Sept. 10.

KAYE, JAMES, Architect & Builder, 2, Richmond-place, St. George's-road,
 Southwark, Surrey. Com. Fane: Sept. 22, at 12.30; and Oct. 19, at
 1.30; Basinghall-street. Off. Ass. Whitmore. Sol. Langham, 10,
 Bartlett's-buildings, Holborn. Pet. Aug. 1.

PHILLIPS, WILLIAM, Jun., Pork Butcher, Birmingham. Com. Sanders:
 Sept. 21, and Oct. 12, at 11; Birmingham. Off. Ass. Whitmore. Sol.
 East, Birmingham. Pet. Sept. 7.

PITT, WILLIAM, Hosier, 11, Bishopsgate-street Without, London. Com.
 Goulburn: Sept. 24, and Oct. 24, at 12; Basinghall-street. Off. Ass.
 Pennell. Sols. Messrs. Hillyear, 5, Fenchurch-buildings, Fenchurch-
 street, London. Pet. Sept. 10.

RICHARDS, JAMES EDGCOMBE, Chemist, Druggist, Grocer, Draper, & General-
 shop Keeper, Duke-street, Dartmouth. Com. Bere: Sept. 21, and Oct.
 12, at 1; Exeter. Off. Ass. Hirtzel. Sols. Smith, Dartmouth; or
 Floud, Exeter. Pet. Sept. 5.

SCORE, WILLIAM, Soap Manufacturer, Manor-street, Hatcham, Surrey.
 Com. Fane: Sept. 21, at 1; and Oct. 19, at 12; Basinghall-street.
 Off. Ass. Cannan. Sols. Lawrence, Smith, & Fawdon, 12, Bread-street,
 Cheapside. Pet. Sept. 7.

THORNE, JOHN, Builder & Cabinet Maker, 34 and 35, St. Thomas-street,
 Weymouth. Com. Bere: Sept. 21, and Oct. 12, at 1; Exeter. Off. Ass.
 Hirtzel. Sols. Hill, Weymouth; or Turner & Hirtzel, Exeter. Pet.
 Sept. 7.

THORPE, JOSEPH, Joiner & Builder, Shepley Mill Bridge, Glossop, Derby-
 shire. Sept. 28, and Oct. 23, at 12; Manchester. Off. Ass. Fraser.
 Sol. Sutton, Manchester. Pet. Sept. 7.

FRIDAY, Sept. 14, 1860.

BELL, THOMAS CHARLTON, Corn Miller & Flour Dealer, Durham. Com.
 Ellison: Sept. 20, at 11, and Oct. 24, at 11.30; Newcastle-upon-Tyne.
 Off. Ass. Baker. Sols. Crum, Reed, & Legge, Grey-street, Newcastle-
 upon-Tyne. Pet. Sept. 6.

CROFTS, WILLIAM FRANCIS, Printer, 49A, and 63, Castle-street, East, Oxford-
 street, Middlesex. Com. Goulburn: Oct. 1, at 12, and 99, at 2; Basing-
 hall-street. Off. Ass. Pennell. Sol. Kaye, 89, Chancery-lane, London.
 Pet. Sept. 12.

GARFIT, FREDERICK, Scrivener, Brigg, & Scawby, Lincolnshire. Com. Ayr-
 ton: Sept. 26, and Oct. 24, at 12; Kingston-upon-Hull. Off. Ass. Car-
 rick. Sol. Plaskitt, Gainsborough. Pet. Sept. 12.

ROLFE, ALFRED, and JOHN DAVIES, Timber Merchants, 8, Dorrington-
 street, Clerkenwell, Middlesex. Com. Goulburn: Oct. 1, at 11.30, and
 Oct. 29, at 11; Basinghall-street. Off. Ass. Pennell. Sols. Wood &
 France, 8, Falcon-street, Aldersgate-street, London. Pet. Sept. 12.

RUTHERFORD, SAMUEL, Draper, York. Com. West: Sep. 28, and Oct. 19, at 11; Leeds. *Off. As. Young.* Sols. Wood, Bradford, or Cariss & Cudworth, Leeds. *Pet.* Sep. 10.

STONE, ROBERT, Innkeeper, Curne Abbas, Dorset. Com. Bere: Sep. 26, and Oct. 16, at 1; Exeter. *Off. As. Hirtzel.* Sols. Andrew, Dorchester, or Clarke, Exeter. *Pet.* Sep. 11.

TOYNEBE, EDWARD, Agricultural Merchant & Manufacturer of and Dealer in Artificial Manures, Lincoln (Edward Toynebe & Co.) Com. Ayrton: Sep. 26 & Oct. 24, at 12; Kingston-upon-Hull. *Off. As. Carrick.* Sols. Chambers, Lincoln. *Pet.* Aug. 31.

TURNBULL, EDWARD, Shipowner, West Hartlepool, Durham. Com. Ellison: Sep. 30, at 11 & Oct. 26, at 12; Newcastle-upon-Tyne. *Off. As. Baker.* Sols. Forster, Newcastle-upon-Tyne. *Pet.* Sept. 11.

BANKRUPTCY ANNULLED.

TUESDAY, Sept. 11, 1860.

APPELXAND, WILLIAM, Plumber & Glazier, Kingston-upon-Hull. Sept. 5.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, Sept. 11, 1860.

CLARK, THOMAS, Paper & Bag Merchant, Bradford, Yorkshire. Oct. 5, at 11; Leeds.—LOWDES, LEVI, Draper, Abergavenny, Monmouthshire. Oct. 11, at 11; Bristol.—POWCHERY, HENRY, Printer, 43, Leman-street, Whitechapel, Middlesex. Oct. 5, at 11; Basinghall-street.—WATTS, ALEXANDER, Draper & Clothier, Berwick-upon-Tweed. Oct. 4, at 12; Newcastle-upon-Tyne.

FRIDAY, Sept. 14, 1860.

BEVAN, RICHARD, Wine Merchant, Liverpool. Oct. 8, at 11; Liverpool.—BRETT, JOHN GOODALL, Grocer & Draper, Hornchurch, Essex. Oct. 5, at 12; Basinghall-street.—COOPER, HENRY, Shoe Manufacturer, 104, Great Cambridge-street, Hackney-road, Middlesex, and 10, Fowall-terrace, Queen's-road, Dalston. Oct. 5, at 11; Basinghall-street.—DAVIS, ABRAHAM, Commission Agent & Merchant, 5, Camden-terrace, Camden-town. Oct. 5, at 11; Basinghall-street.—HAYNES, SAMUEL NIXON, Grocer, Leek, Staffordshire. Nov. 5, at 11; Birmingham.—PAIR, EDWARD STAFF, & ALFRED STAFF PRIMO, Coal Merchants, Bishopsgate-street, Middlesex. Oct. 5, at 12.30; Basinghall-street.—SMITH, HENRY JOSEPH, Corn Dealer, Newby, Berks. Oct. 5, at 11; Basinghall-st.

CERTIFICATES.

To be ALLOWED, unless Notice be given, and Cause shown on Day of Meeting

TUESDAY, Sept. 11, 1860.

BLOXAM, ALFRED BRADLEY, Wine Merchant, 14, Southampton-street, Strand, Middlesex. Oct. 3, at 12; Basinghall-street.—EYLES, JOHN, FARMER, Printer, Publisher, & Stationer, 77, North-street, Brighton. Oct. 2, at 1.30; Basinghall-street.—HEATCOTE, EDWARD, Grocer, Rock Ferry, Chester. Oct. 2, at 11; Liverpool.—ROBBINS, ALFRED, Builder, Newport, Monmouthshire. Oct. 2, at 11; Bristol.—ROBINSON, MICHAEL HENRY, Tailor & Woollen Draper, Wolverhampton. Nov. 1, at 11; Birmingham.—SMITH, NATHANIEL, jun., Hotel Keeper, Victualler, & Coach Proprietor, formerly of London, in Canada West, since of Hortham, Martley, Worcestershire. Nov. 1, at 11; Birmingham.—STAPLEY, WILLIAM ALBERT, Shoe Mercer & Grindery Dealer, 1, Old Compton-street, Soho, Middlesex. Oct. 3, at 11; Basinghall-street.—WHITBURN, ALFRED FRANCIS, Brewer, Enfield, Middlesex. Oct. 2, at 2; Basinghall-street.

FRIDAY, Sept. 14, 1860.

DUNINGTON, HENRY, Glove Cloth Manufacturer, Nottingham. Oct. 30, at 11.30; Nottingham.—HEAD, GEORGE JAMES, Money Scrivener, Manchester. Oct. 10, at 12; Manchester.—JAMES, GEORGE FREDERICK, Elastic Web & Small Ware Manufacturer, Manchester. Oct. 10, at 11; Manchester.—LAMB, JOHN, Grocer, Pendleton, Lancaster. Oct. 10, at 12; Manchester.—WILLIAMSON, PETER, jun., Grocer, Salford, Lancaster. Oct. 11, at 12; Manchester.

To be DELIVERED, unless APPEAL be duly entered.

TUESDAY, Sept. 11, 1860.

FULFORD, JOSEPH, Brewer, Manchester. Sept. 3, 2nd class.—GIBSON, ADAM, Factor, Suffolk-street, Liverpool. Aug. 29, 2nd class.—HOUNSFIELD, WILLIAM, Merchant & Commission Agent, Manchester. Aug. 30, 2nd class.—MOSS, STEPHEN, & WILLIAM ASHWORTH, Fustian Cutters, Dyers, & Finishers, Woodmill, Stansfield, Halifax, Yorkshire (Moss & Ashworth). July 27, 2nd class.—PROCTOR, WILLIAM, Linen Draper, Leeds. July 27, 3rd class.—SHARPE, WILLIAM GRANVILLE, Timber Merchant & Boat Builder, late of Northwich, Cheshire, and now of Chatwood-street, Edge-hill, near Liverpool. Aug. 30, 3rd class.

FRIDAY, Sept. 14, 1860.

COOPER, JOHN, Butter Merchant & Commission Agent, Hanging-ditch, Manchester, and Illuminated Glass Manufacturer, Oxford-street, Manchester (Patent Illuminated Glass Company). Sept. 12, 3rd class; after a suspension of 6 months.—DUNN, JAMES BENJAMIN, & EDWIN FRANCIS ALBERT BOYLE, Dealers in Iron, & Commission Agents, 18, New-street, Spring-gardens (Dunn, Boyle, & Co.) 2nd class.—SUTTON, ANDREW, Corn Miller, St. Helens, Lancashire. Aug. 30, 1st class.—STONKS, NATHANIEL, Ironfounder, St. Patrick's Ironfoundry, Cambridge-street, St. Patrick's, Middlesex. Sept. 3, 3rd class; after a suspension of 6 months.—WHITTINGHAM, WILLIAM, Corn Miller, St. Helens, Lancashire. Aug. 30, 1st class.

Scotch Sequestrations.

TUESDAY, Sept. 11, 1860.

SOMERVILLE, JAMES, Auctioneer, Glasgow (James Somerville & Co.). Sept. 18, at 12; Faculty Hall, St. George's-place, Glasgow. *Seq.* Sept. 8.

FRIDAY, Sept. 14, 1860.

BARNETT, ALLAN, Merchant, Coupar-Angus, Perth. Sept. 21, at 12; Solicitors' Library, County Buildings, Perth. *Seq.* Sept. 8.
GRAY, ALEXANDER DUNCAN, Bootmaker, George-street, Edinburgh. Sept. 19, at 1; Dovells & Lyon's Rooms, 18, George-street, Edinburgh. *Seq.* Sept. 11.
MAUCHLINE, JAMES, Carter, Folliokshaws. Sept. 20, at 1; County Hotel, County-place, Paisley. *Seq.* Sept. 10.

RAE, JOHN, & SON, Commission Merchants, Glasgow, and JOHN RAE & ANDREW NEIL RAE, individual partners. Sept. 18, at 12; Faculty Hall, St. George's-place, Glasgow. *Seq.* Sept. 10.
WYLE, JAMES, Fleisher, Glasgow. Sept. 18, at 2; Faculty Hall, St. George's-place, Glasgow. *Seq.* Sept. 10.

CHARING-CROSS HOSPITAL, West Strand.

The aid of the benevolent is solicited for this Hospital, the scale of which is adapted to the wants of the surrounding poor, and the cost of the maintenance with upwards of 100 beds has, through the unremitting care of its Council of Management, never exceeded £3,600 per annum, while all debt and outstanding liabilities have been avoided.

The prompt reception of cases of dangerous accident and emergency hourly occurring in the surrounding densely-thronged thoroughfares, and amounting to upwards of 3,000 annually, besides the constant relief of an unlimited number of other cases of all descriptions, render the Hospital of great public utility; and it is with an anxiety to maintain that utility that the Governors earnestly APPEAL in its behalf.

The great losses, by death, of many of its early supporters are sorely felt by the Charity, and render some addition to its funds urgently necessary; and the Governors beg to state that the ENDOWMENT FUND, which is now in progress, and in aid of which benefactions or legacies are solicited, and would prove of lasting benefit, is meant to insure the permanence and continuance of the Charity.

Subscriptions will be thankfully received by the Secretary, at the Hospital; and by Messrs. Contts, Messrs. Drummond, Messrs. Hoare, and Messrs. Herries, and through all the principal Bankers, and by the clergy of the district.

JOHN ROBERTSON, Hon. Sec.

WEST RIDING OF YORKSHIRE.

Valuable Freehold Estates and Collieries near Leeds.

TO BE SOLD, pursuant to a Decree of the High

Court of Chancery, made in certain causes entitled respectively "Branding v. Plummer," "Branding v. Plummer," "Branding v. Liddell," and "Branding v. Plummer," with the approbation of the Vice-Chancellor Sir Richard T. Kindersley, the judge to whose court the said causes are attached, by Mr. THOMAS HARDWICK, who has been appointed for that purpose, at the SCARBOROUGH HOTEL, at LEEDS, in the County of York, on TUESDAY, the 16th day of OCTOBER, 1860, in Nineteen Lots, valuable FREEHOLD ESTATES, consisting of the Manor of Middleton, with the dwelling-houses and the gardens and pleasure grounds attached, known as Middleton Lodge, Middleton Hall, and Middleton Grange, together with various enclosures of land, woodlands, and plantations occupied therewith, 94 cottages, a house, garden, mill, and cottage, let to Mr. James Dobson; a house, garden, several closes of land, smith's shop and mistal, in the occupation of Mr. George Bennett, and the several compact and well-arranged farms in the township of Middleton, known by the names of the Manor Farm, Lockwood Farm, the Spring Farm, Middleton Colliery Farm, West Farm, Copley Farm, Windy Hill Farm, Windmill Farm, Grange Farm, and East Grange Farm; and also various closes of arable, meadow, and grass land, in the township of Middleton, in the occupation of highly respectable tenants. And also several inclosures of arable and grass land, cottages, and gardens in the adjoining township of Hunslet, and several plots of ground in Hunslet, adapted and arranged for building sites; the whole containing upwards of 1,300 acres of land. And also the great tithes of other lands in the township of Middleton, which have been commuted to a rent-charge of £78 6s. 6d. per annum, apportioned amongst the owners of such lands.

And the well known collieries called Middleton Collieries, situate within three miles of the town of Leeds, and near the Leeds and Bradford Railway, with the valuable and efficient working stock and machinery thereto belonging.

Also the advowson, donation, or right of presentation of and to the vicarage and parish church of Rothwell, near Leeds, the tithes of which are commuted at upwards of £900 per annum.

And also seven eighth undivided shares of the Manor of Hunslet, with all the rights and privileges thereunto belonging.

Printed particulars and conditions of sale may be had (gratis) in London, of Messrs. BAKER & CO., Solicitors, 52, Lincoln's-inn-fields; Messrs. SHUM & CROSSMAN, Solicitors, 3, King's-road, Bedford-row; Messrs. BLAKE, TYLEE, & TYLEE, Solicitors, 14, Essex-street, Strand; Messrs. CLAYTON, COOKSON, & WAINWRIGHT, Solicitors, 6, New-square, Lincoln's-inn; and in the country of Messrs. J. & M. CLAYTON; Messrs. R. P. & H. PHILLIPSON, and Mr. JOSEPH ANDERSON, Solicitors, Newcastle-upon-Tyne; of Messrs. NEWSAM & SON, Land Surveyors, Leeds; of Mr. THOMAS HARDWICK, Auctioneer, Leeds; at the place of Sale; and at the Sun Inn, Bradford; the White Hart, in Huddersfield; the Stafford Arms Inn, Wakefield; the Station Hotel, York; the Station Hotel, Hall; the Queen's Hotel, Manchester; the Adelphi Hotel, Liverpool; and the principal inns in the West Riding of York.

FREEHOLDS.—OXFORD AND BUCKS.

TO BE SOLD, pursuant to a Decree of the High

Court of Chancery, made in a cause of Stone v. Stone, with the approbation of the Vice-Chancellor, Sir Richard T. Kindersley, by Mr. GEORGE VERNON, the person appointed by the said judge, at the RED LION INN, High Wycombe, in the county of Buckingham, on FRIDAY, the 28th day of SEPTEMBER, 1860, at TWO o'clock precisely, in Five Lots, certain FREEHOLD COTTAGES and 35 ACRES of LAND, situate in the parish of Stokenchurch, in the county of Oxford, and the parish of Radnage, in the county of Bucks, late the property of Thomas Stone, of the parish of Radnage aforesaid, farmer, deceased.

Particulars whereof may be had gratis of Mr. W. C. HALL, of 40, Lincoln's-inn-fields, Solicitor; of Mr. H. HERVE GRAUD, of 7, Furnival's-inn, E.C.; Solicitor; of Mr. JOHN LETTIS, of Bartlett's-buildings, Holborn, Solicitor; of Mr. THOMAS J. REYNOLDS, of High Wycombe, Solicitor; of Messrs. PARKER & SON, of High Wycombe, Solicitors; of the said Mr. GEORGE VERNON, Auctioneer, High Wycombe; and at the place of sale.

Dated this 6th day of August, 1860.

CHAS PUGH, Chief Clerk.

We cannot notice any communication unless accompanied by the name and address of the writer.

* Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher

THE SOLICITORS' JOURNAL.

LONDON, SEPTEMBER 22, 1860.

CURRENT TOPICS.

The Social Science Conference at Glasgow will commence on Monday next, when the opening address will be delivered by Lord Brougham, the president for the current year. On Tuesday the Lord Advocate of Scotland (the Right Honourable James Moncrieff), who is president of the Department of Jurisprudence, will commence its business by an address. On the succeeding days of the week addresses will be delivered, and papers, read in the other sections. We believe that a considerable number of important papers will be forthcoming in the jurisprudence section—most of them written by members of the Scotch Bar and relating mainly to Scotch law. Mr. Pitt Taylor, however, will read a paper on "the expediency of permitting prisoners and their wives or husbands to testify on oath," and Mr. Anderson, Q.C., has undertaken to communicate his thoughts upon the appellate jurisdiction of the House of Lords. The report of the Mercantile Legislative Committee on Bankruptcy will be read by Mr. Hastings, and that of the Patent Law Committee by Mr. Thomas Webster. Professor More and Professor Bell, both of Edinburgh, will give some account of the system of land-rights in Scotland, and Sheriff Barclay, of Glasgow, we believe has promised a paper comparing the local courts of England and Scotland. We have heard that there are also promises of papers on Indisputability of Life Assurance Policies on Local Jurisdiction in cases of application for private Acts of Parliament for public purposes, and other subjects. Altogether that department of the association which is devoted to legal subjects is likely to be one of the most successful.

The very speedy appointment of Mr. Whigham as county court judge, in the room of Mr. Koe, recently deceased, does not appear to have met with general approbation in the profession. The feeling of late in respect of such appointments is becoming common that sufficient regard has not been paid to the professional qualifications, or at all events the professional antecedents, of those who obtain them, and that influences have been brought to bear upon the authorities who have the giving away of these good things such as would be likely to insure the introduction of inferior men amongst the county court judges. Mr. Whigham, we believe, has been for many years a member of the Northern Circuit, and no doubt he is a gentleman of unimpeachable private character; but most of our readers know nothing more of him than they may learn from the *Law List*, and it can hardly be pretended that even upon his own circuit there were not many gentlemen who, judging by the amount of their business, had certainly more of the confidence both of the profession and the public than Mr. Whigham could boast of. We have had some communications upon the subject expressive of disapproval of the appointment in question.

Two or three days ago a scene occurred at the Old Bailey, such as fortunately for the character of English tribunals is not frequently witnessed in this country, and such as could not possibly happen in any other, seeing that England alone of all civilised nations

is the only one which does not rank amongst its officials a public prosecutor. Upon the trial of a prisoner indicted for feloniously entering a warehouse, and stealing therefrom some ribbons, two members of the bar asserted rival claims to the conduct of the prosecution. It appeared that one, Mr. Langford, received—according to the manner of doing business at the Old Bailey—the depositions which had been taken in the case, with instructions to appear and prosecute the prisoner. Another counsel (Mr. Dickie), however, claimed a *locus standi* as prosecutor, by virtue of a brief which had been given to him by an attorney. Thereupon some curious revelations were made as to the mode in which prosecutions are obtained both by counsel and attorneys practising in that court. Our readers are of course aware that, although prosecutions are conducted in the name of the Crown, the virtual prosecutor is generally the individual who has been directly injured, either in person or property, by the commission of a crime. In the present case, however, it appeared that the prosecutor had not engaged any attorney to conduct his case, but that he had been induced by the solicitations of a police-constable to sign a paper, of the contents of which he knew nothing, but the effect of which he was told would be to procure for him, without expense, the services of counsel. Upon further inquiry, it came out that the police constable had acted in the matter as the friend and agent of Mr. Dickie's clerk, a person of the name of Storey, who had himself been once a policeman, and who admitted his having done a "similar thing with two other constables." The machinery, to be perfect, of course required the intervention, at least nominal, of an attorney; and accordingly, as might be expected under such circumstances, there was no great difficulty in procuring one. To all appearance, therefore, when the case came on before the Court there was nothing irregular in its antecedents; and even upon the facts which transpired, Mr. Commissioner Kerr more than once repudiated the notion of imputing any irregularity to the counsel who held a brief under such circumstances. If practice makes a rule there might, perhaps, be some difficulty in maintaining a charge of "irregularity" in this case within the precincts of the Old Bailey, or, until recently, at the Middlesex Sessions. But that any such proceedings ought to be "irregular" not only in every superior tribunal in the kingdom, but even in the conduct of such business as falls to the lot of metropolitan police courts, every respectable member of the profession will not hesitate to affirm. It has long been a notorious scandal that no inconsiderable proportion of the business done by counsel in the criminal courts of the metropolis is procured through the agency of such clerks as this ex-policeman, and it certainly requires more than the usual amount of faith that falls to the lot of ordinary mortals to believe that any barrister practising at the Old Bailey, and, therefore, cognizant of what usually takes place there, could employ such a person as this clerk without having, at least, a shrewd suspicion of the character of the services that might be expected from him. We do not desire, however, unnecessarily to touch upon topics of merely personal interest, and call attention to this case solely for the purpose of exemplifying the inconvenience arising from the absence in this country of any properly organised system for the prosecution of offenders. The general question is one of greater public than professional interest—at least, so far as pecuniary considerations are concerned; but such instances as that to which we advert prove how deeply the good repute and social position of lawyers are affected by the present system, or rather want of system, which converts a grave public duty into an unseemly struggle for professional advancement and pecuniary gain.

ALTERATIONS IN THE LAW OF ATTORNEYS.

The statute 23 & 24 Vict. c. 127 (1860), for "amending the Laws relating to Attorneys, Solicitors, Proctors, and Certificated Conveyancers," received the Royal Assent on the 28th of August last, and came into operation on that day, except as to the annual registration and certificates of attorneys, which will take effect on the 16th of November next, and as to certificated conveyancers on the 1st of the same month. It comprises the following alterations:—

I. As to the education and examination of attorneys in general knowledge.

The 2nd section of the new Act repeals the 7th section of the 6 & 7 Vict. c. 73 (1843), by which graduates of the universities of Oxford, Cambridge, Dublin, Durham, or London were entitled to be admitted as attorneys after a service of three years, provided they took the degree within a limited time of matriculation, and entered their clerkship within four years from taking the degree. Both these limitations are repealed, and the privilege is extended to graduates of the Queen's University in Ireland and the universities of Scotland.

In order further to encourage the acquisition of general knowledge, the 5th section provides that the judges may make regulations for admitting, after a service of four years, those who have successfully passed what is termed "a middle-class examination" before entering into articles. Examinations are already established by the universities of Oxford and Cambridge; but the Act extends the privilege to similar examinations which may take place under the authority of the other universities.

The advantage of the diminished service of three years is granted by the 3rd section to gentlemen who, after ceasing to be barristers, have been articled to attorneys or solicitors; and by the 15th section the privilege is extended to writers to the signet, solicitors of the Supreme Court, and procurators of the sheriffs' courts in Scotland. The 4th section also enables a clerk to an attorney, who has been *bonâ fide* engaged for ten years in the business usually transacted by attorneys, to be examined and admitted after having been articled for three years only. In all cases where the contract was entered into before the passing of the Act, and was tenure for five years, the examination and admission may take place at the end of three years, provided the attorney give his assent in writing on the articles.

The 8th section, which provides that the judges may require an examination in general knowledge, either before articles or before admission, extends to all persons who have not taken a degree, or successfully passed a university examination. Barristers, therefore, who are not graduates, or have not passed a university examination, as well as writers to the signet, and the ten-year clerks of attorneys, may be required to undergo a general examination under the 8th section. The judges, however, have power to dispense with such examination under special circumstances.

II. Examinations in legal knowledge.

The provisions in the Act of 1843 (ss. 15 to 18 inclusive) relating to the examination in legal knowledge, remain unaltered; except that the 9th section of the Act of 1860 authorises the three chiefs of the common law courts, jointly with the Master of the Rolls, to make regulations for an examination of articled clerks during their articles, in order to ascertain the progress made by them in acquiring the knowledge necessary for rendering them fit and capable to act as attorneys and solicitors, such examination to be conducted by the examiners appointed under the Act of 1843, or other examiners to be nominated by the judges. And those who fail to pass such intermediate examination "may have their final examination postponed for such time as the examiners may think proper."

By another alteration under the Act of 1860 (s. 13),

clerks articled to *County Palatine* attorneys cannot be admitted in those courts unless examined touching their articles and service, and their fitness and capacity to act as attorneys, in like manner as required before admission into the superior courts of law at Westminster, or as a solicitor in chancery. But attorneys already admitted in the Palatine Courts may, under the 14th section, be admitted in the superior courts without examination on or before the 1st day of Trinity Term, 1861, but under the existing rules of court they will have to give the usual notices of admission.

It is further provided by the 12th section that when the articles expire in vacation, the examination may take place in the preceding term; and the applicant may be sworn and admitted before the Master of the Rolls, or at chambers before any of the judges after the expiration of the articles during the vacation.

It should also be noticed that by the 10th section articled clerks, during their term of service, are not to hold any office or engage in any employment other than that of clerks to the attorney, and before admission, they must prove by affidavit that they have not been employed contrary to this enactment. The 11th section directs that the examination before admission shall extend to all matters usually transacted or performed by attorneys or solicitors. This provision obviously relates to conveyancing business.

By the 16th section provision is made for the admission to offices of gentlemen who have been called to the bar and afterwards disbarred (of course at their own request), and subsequently admitted on the roll of attorneys; and in such cases the prescribed period may be reckoned from the date of the call to the bar, and not the admission on the roll. Thus a barrister, becoming an attorney, may be appointed a Commissioner to Administer Oaths, &c., although not admitted as an attorney for ten years. This enactment was introduced late in the progress of the measure, and may probably enable a barrister who becomes an attorney, to fill the office of taxing master, or chief clerk to the equity judges. He must, however, serve three years, and undergo all the usual examinations before admission.

III. Annual registration and certificates of attorneys.

The sections in the Act of 1843, from 22 to 25 inclusive, though not expressly, are in effect repealed from and after the 15th of November next, and sections 18 to 25 inclusive of the Act of 1860 substituted in lieu thereof. These new provisions will facilitate and render more complete the registration of all duly qualified attorneys and solicitors, and by stamping the registrar's certificate, instead of issuing a separate paper, the possibility of mistake will be prevented, and the attorney's right to act will appear on a single official document (s. 18).

To enable the registrar to form a complete record of all attorneys and solicitors admitted in any of the courts, the officers who have the custody of the rolls are to transmit to the registrar copies of such rolls or books, within seven days after the end of each term; and such copies are to be made at the expense of the registrar, and of course paid out of the registration fee (s. 17).

The amount of the duty according to the former stamp Acts was regulated by the residence of the attorney. It now depends on his place of business (s. 19), and in order to enable the officer of the Commissioners of Inland Revenue to compile an accurate list of certificated attorneys, a duplicate declaration is to be left at the stamp office (s. 20). These forms will be supplied at the office of the Incorporated Law Society, as Registrar of attorneys, and a return will be made to the Registrar of the time of payment of the duty, to be entered on the annual roll. When the duty is paid after the 1st January, the certificates are to be produced to the Registrar and entered before they can be acted upon (s. 21). The certificate, when the

duty is paid between the 16th November, and 16th December, is to bear date the 16th November, and terminate on the 15th November, following. The *Law List*, published under the authority of the Commissioners of Inland Revenue, containing the names of attorneys, solicitors, and conveyancers who have obtained stamped certificates on or before the 1st January, will be *prima facie* evidence, that the persons named therein are qualified to practise. After that day the certificate of the Registrar must be obtained (s. 22). In case of neglect for a year to renew the certificate a rule of the Court or an order of the judge must be obtained (s. 23).

The Registrar's fee, under the 20th section, is increased from 2s. 3d. to 5s., and the following are, in substance, the grounds which were submitted to Parliament in support of this additional payment to be made by all attorneys applying for their annual certificates to the Incorporated Law Society, as Registrar of attorneys and solicitors.

The judges have from time to time delegated to the society, new and responsible duties—such as the sifting and bringing before the Court all cases of professional delinquency and malpractice, with a view to the removal of the delinquents from the roll; the investigation of all applications for admission and re-admission, or the renewal of annual certificates; and other duties of a similar nature, the discharge of which has involved heavy expense.

The previous fees had fallen short of the actual expense and outlay which the Society incurred in the discharge of its public duties, and the excess was provided from its private resources, consisting principally of the annual subscriptions of its members. The council of the society have also been frequently obliged to decline interfering in cases brought under their notice, for want of adequate funds. Their duties, moreover, will be considerably increased under the new Act. In the proper discharge of these duties the members of the society, as such, have no special interest. The registration and enrolment of attorneys, the investigation of cases of malpractice, and the removal of improper persons from the roll, are matters affecting the entire body of the profession, and through them the public, and not the members of the society in particular. It is reasonable, therefore, that the expense attendant upon their discharge should be borne by the profession at large and not by the society. The general body of the profession indeed have not objected to this very moderate tax, as appears from the statement prepared and circulated by the Metropolitan and Provincial Law Association, which is in communication with the principal portion of the attorneys and solicitors practising in the country. It was stated during the progress of the Bill that the increased fee would amount to £5,000 a year, but in truth it will produce only £1,300, of which an account is to be rendered to the judges (who are empowered to reduce the amount), and is to be open for inspection.

IV. Striking attorneys off the roll for malpractice.

These applications are occasionally made by aggrieved parties, and not by the Incorporated Law Society. The result has sometimes been unknown to the registrar. In future, under the 24th section, the rule obtained for striking an attorney off any of the rolls must be entered with the registrar; and the 25th section provides that an attorney struck off the roll of one of the courts shall be struck off the rolls of all other courts upon production of an office copy of the rule and an affidavit of identity. Before this enactment it was necessary to apply to each court, and with the exception of the Court of Common Pleas, to serve the rule nisi personally on each occasion, and sometimes this was difficult to effect.

V. Prevention of unqualified persons from acting as attorneys.

The 32nd section of the 6 & 7 Vict. c. 73, prohibited attorneys from acting as agents for unqualified persons, or enabling such persons to appear or practise in any respect as attorneys or solicitors in any suit at law or in equity, and subjected the attorneys to be struck off the roll, and the unqualified persons to be imprisoned; and by the 35th section of that Act any unqualified person suing out any writ or process, or taking any proceedings in any court of law or equity was liable to be prosecuted for a contempt of court. These restrictions, however, were confined to the courts of law and equity. But by the 26th section of the new Act every person who acts as an attorney or solicitor contrary to the 2nd section of the 6 & 7 Vict. c. 73, or who acts as a proctor without being duly qualified shall be deemed guilty of a contempt of court, and shall be liable to a penalty of £50, to be recovered, under the sanction of the Attorney-General, by the Incorporated Law Society, such penalty to be applied in like manner as fines imposed for practising without a stamped certificate. These penalties, therefore, will be paid through the Crown Office to her Majesty's Treasury. The costs of these prosecutions will have to be paid out of the fund raised by the registration fee, unless deducted from the penalties recovered; but generally the offenders will not be able to pay the penalties, and will be subject to imprisonment.

The prohibition against unqualified practice will thus be made sufficiently extensive; for the 2nd section of the 6 & 7 Vict. c. 73, applies not only to all courts of law and equity, but to every court, whether of civil or criminal jurisdiction, including the Palestine Courts, Insolvent Debtors and County Courts, General or Quarter Sessions, and to proceedings before any justice of the peace or before revenue commissioners.

VI. Interest on costs and lien on property.

The Act of 1843, sect. 43, directed that in case of a reference to tax an attorney's bill of costs in any court of common law, the Court or a judge might order judgment to be entered up for the amount so taxed with costs. Such judgment under the 1 & 2 Vict. c. 110; carried interest at four per cent., but no provision was made for costs in chancery. Now, by the 27th section of the New Act, whenever a decree or order is made by the Court of Chancery, in which the payment of costs is ordered, the Court or judge may direct interest thereon to be paid at four per cent. from the date of the certificate of taxation, to be payable out of the same fund or in the same manner as the costs.

There are also two clauses giving a lien on property recovered for the payment of the attorneys' costs. The 22nd section provides that in every case in which an attorney or solicitor shall be employed to prosecute or defend any suit before any court of justice, the Court or judge may declare the attorney entitled to a charge on the property recovered or preserved for his taxed costs, and the Court may direct the amount to be raised out of the property; and all acts done to defeat such charge shall be void, except against a *bona fide* purchaser without notice. Such notice, however, can seldom fail to have been given by the pendency of the suit, and the attorney may be able to adopt other means to secure sufficient notice. No such lien, however, can be declared where the right to costs is barred by the Statute of Limitations.

In cases in which an attorney has been employed to prosecute or oppose a commission of lunacy, it is provided by the 29th section, that where the costs have not been paid in the lifetime of the lunatic the Lord Chancellor or Lords Justices, may make such orders and exercise the like powers for raising and payment of the costs after the death of the lunatic as if made in his lifetime; but such orders can only be made within six years after the right to such costs accrued.

These clauses will not only enable the Courts to do justice to the practitioner, but will be beneficial to the suitor, for it may induce an attorney to undertake cases which, but for these provisions he would have declined, more especially as he cannot otherwise take any security for costs to be incurred.

VII.—Registry of articles of clerkship and commissions to administer oaths and take acknowledgments.

Inconvenience has been felt for want of a general registry of the names of persons serving under articles of clerkship, and of commissioners authorized to administer oaths in the several courts, and to take the acknowledgments of married women under the Fines and Recoveries Abolition Act. Prior to the new statute, the search for articles of clerkship and for commissions could only be made at the offices or chambers of the judges of the respective courts where the articles were enrolled, or where the commissions were granted. It is now provided by the 7th section, that the articles shall, within three months from their enrolment under the former Act, be produced to the registrar, who shall enter the names of the parties, the date of the contract, the term of service, and the time of production, in a book to be kept for that purpose, and to be open for inspection. If not so registered, the time of service will be reckoned from the production, unless otherwise ordered by a judge.

The 30th section directs that every authority granted after the passing of the Act to administer oaths and take declarations and affirmations, and the acknowledgments of married women, shall, before being acted upon, be brought to the registrar of attorneys to be entered in books for that purpose, which shall be open for inspection during office hours.

The registrar, by the 31st section, in order to form a complete register of these commissions, is to procure from the several officers having the care thereof, lists of the authorities and appointments now in force, with the names of the persons authorised and their places of business, and enter the same in books to be kept for that purpose. These official lists of previous commissions will be paid out of the fee of 1s. on future commissions.

VIII.—The annual licence of certificated conveyancers.

It appears to have been always requisite that members of the inns of court in order to practise under the bar as special pleaders, equity draftsmen, or conveyancers, should obtain an annual licence from the benchers of their several societies, and in Hilary Term, 1852, stringent regulations were made regarding the members of all the inns of court, defining their qualifications, stating the several classes of persons who were not eligible to become members; and especially requiring that the benchers licence to practise under the bar should be granted for one year only. The 34th section of the Act provides for carrying this regulation as to certificated conveyancers into effect, after the 31st October next, but exempts those who at the time of the passing of the Act should be lawfully practising as certificated conveyancers.

The general orders which the three chiefs, jointly with the Master of the Rolls, are authorised to make for carrying the Act into effect may be made by any two of the chiefs and the Master of the Rolls. Sect. 32.

The 33rd, or saving clause, is intended to reserve the rights of persons who, under the previous statutes, were qualified to act, though not on the roll of attorneys, — namely, barristers being solicitors of Government Boards, under the 9 Geo. 4, c. 25; clerks to boards of guardians, under the 7 & 8 Vict. c. 101, s. 68, who are authorised to act at petty sessions; revenue officers, under 16 & 17 Vict. c. 107, s. 323; and other persons by leave of the judge under the County Courts Amendment Act, 15 & 16 Vict. c. 54, s. 10.

The Act is to extend only to England and Wales (s. 35), and is to be construed together with the 6 & 7 Vict. c. 73 (s. 36).

THE INTERROGATION OF PRISONERS.

Many of those who advocate the interrogation of persons accused of crime, are, doubtless, influenced by sentiments of humanity, and by the notion that some individuals who have suffered the extreme penalty of the law would have escaped an unmerited punishment, if the "*mauvaise honte*" of the common law, uncorrected by the statutes, did not deprive them of this supposed advantage. Its application, however, could never, in any case, be of real benefit to the accused. What, if Palmer had been called upon to explain all the circumstances connected with the arsenic and the cheques? If a satisfactory explanation could have been offered of these suspicious circumstances, so as to have prevented his conviction, then he was improperly, and illegally, convicted. For the jury should have presumed that all circumstances admitting of explanation were, in fact, capable of it, and had, in fact, those extenuating adjuncts. They should have suggested to their minds all possible reasons and causes for the suspicious coincidences, and have determined that the prisoner had, in point of fact, the best of these excuses to offer in his favour. It is only upon the evidence of facts which are incapable of being accounted for in their own nature on the assumption of the prisoner's innocence, that a jury is justified in a verdict of guilty. Now, if jury-men condemn a man upon circumstances or facts consistent with his innocence, however morally correct in their judgment, they act contrary to the law which they are sworn to administer. What, then, the benevolent designs of the advocates for the interrogation of prisoners intend for the latter, the law has already effected. It would be idle surely to call upon the prisoner to explain what is incapable of explanation, (and it is upon evidence of this nature only that a conviction is legal); while, to suppose that the lucid and consistent statements of prisoners would rescue them from the weight of suspicious circumstances is to assume that the jury are prejudiced and prepossessed against the prisoner, and regardless of the legal presumption of his innocence. Those cases, then, (and we except none), in which the explanation of doubtful or suspicious circumstances would have prevented the convictions which took place, were illegally considered and determined by the jury; in all such cases they should have presumed innocence.

A change of system would be unfavourable to the accused. At present, if an ominous incident is left unexplained, the omission may be attributed to the unskilfulness of the advocate. But a direct explanation by the prisoner would remove this "*tabula in naufragio*." It might operate further, and, if false, exaggerated, or in itself otherwise infirm, it might induce the jury to regard it as positive evidence against him. This remark is no doubt applicable to all cases of evidence, and particularly to the prisoner's witnesses. But, in the first place, it is not so operative in the evidence of others for the prisoner, as it would be when that evidence would be given by himself. A witness might be suspected of treachery; a prisoner, in the change contemplated, would be speaking for himself, and although it should be admitted that the interests of truth and justice would be advanced by the proposed innovation in our law, it must be confessed that the change would not be beneficial to the accused.

Those who may be supposed to advocate this organic change in evidence in criminal cases upon grounds of public utility, have a more solid foundation for their efforts. It may be said that the natural means of detecting crime, include the instruments of its perpetration, the actors themselves, as also accomplices, and the means employed, which are in all cases more numerous than any one would at first suspect. From the moment when the murderer leaves his home until he returns to that no longer peaceful harbour, himself, all he meets, and all the adjuncts of his victim, are possible, and probable, witnesses against him. Life

cannot be destroyed nor any other crime committed without physical means, and these are infallible evidences of guilt. Although enunciated by human and erring lips, their own connection when detailed in evidence vouches, also, in many cases conclusively for the truth of their exponents, and, in those cases where direct testimony alone is the engine of a legal conviction, the absence of inconsistent facts in a narrative of any considerable length, is a ground of presumption, independently of the natural confidence which human testimony enjoys, for its integrity and truth. But the asking of questions, which *ex concessis* should be by the legal presumption, determined in the prisoner's favour, would be but a waste of time, and a raising of issues, not irrelevant, only because they are injurious. If, however, a number of circumstances exist in a case, which admit of no explanation that can suggest itself to the minds of a jury as exculpatory of the prisoner, then, such an array of evidence being conclusive, it would be idle to expect, even if the proposed change were law, that the prisoner could offer any but a far-fetched and incredible explanation, while a false or silly statement would perhaps in some instances increase the measure of his punishment.

But a still more conclusive objection to the proposed alteration of the law is its unconstitutional characteristics, both as regards the judicial and executive functions of the supreme power. It would set at nought the maxim "*Nemo proderet seipsum tenetur*," even though the accused should have the alternative of silence allowed him; for, in such cases, his silence would be regarded as evidence against him; just as if it might become customary for barristers in all cases, in which they believed their client's innocence, to protest the fact of the sincerity of their advocacy, the absence of such protestations in any case, would be regarded as evidence against the accused. Without distinctly defining the evils, which might flow, if ever the executive were disposed to exert its power over private liberty to the utmost, we regard the innovation as too sweeping, too radical, too inquisitorial, to be leniently opposed; nor does it differ very much in its ultimate principles from inquiry by torture. The mind has its pains, as well as the body; and a practised interrogation might in many cases be supposed a fair specimen of the inquisition by torture, when the facts were complicated and the accused nervous or untruthful. The admission of the evidence of the parties in civil cases certainly does not always facilitate the administration of justice. The conflict of the evidence of the litigants contradicting one another must increase the trouble of the Court and jury. They counterpoise one another's testimony, and leave the truth thus to be extracted from the differential quantity, the less interested portion of the witnesses, whom alone the old law regarded as the probable deposit of truth. In civil cases, the hope of the probability of the circumstances connected with the main depositions leading to a right estimation of the relative merits of the antagonist witnesses, is to draw the attention of the Court and jury from the quarter where the truth may be most readily discovered, from the less interested witnesses, into the region where mental suggestions and calculations of probabilities distract the attention and impede a sound judgment.

In criminal cases, would not the oral denial of his guilt by a prisoner, and, if he were a person of good nerves would not a clear and consistent statement by him, even when outweighed by the most cogent evidence, be simply embarrassing to the Court? As he could, moreover, have recourse to professions of ignorance, or forgetfulness, the interrogation would be most likely to end in an estimate of his bearing and demeanour alone, and in the rejection of his statements; so that, practically, most cases, after much ill-directed investigation, would be decided according to the boundaries of inquiry defined by the present law.

The foregoing observations apply only to that stage

of criminal proceedings, when the accused is on his trial, at which juncture a power to interrogate the prisoner has been suggested as a power which should be given to the state and its representatives. We do not seek to limit inquiry even in this case when the issue, so to speak, is definite and confined to a particular person or persons: we merely desire to render inquiry efficacious in the administration of justice, by directing it in the right and profitable direction. But, with regard to the preliminary inquiries necessary to discover the perpetrators of crime, no excess exists in the powers of the executive in this respect; nor in the scope and range of their investigation. These powers, and their active exercise, will be regarded with the more favour, when it is seen that the prisoner, once put on his trial, has the benefit of the ancient laws of England, and is not open to an interrogation, less cruel, indeed, than inquiry by torture, but fully as useless.

These observations have been suggested by the proceedings which have taken place, or which have been attempted, for the purpose of bringing the criminal to justice, in the case of the mysterious Road murder, which we do not further touch upon at present, as we desire not to embarrass the authorities in any course which they may think fit to adopt in this extraordinary case. But the present time is suitable for the discussion of the subject generally of the interrogation of prisoners. There is, moreover, a further illustration of the topic in the pending inquiries in relation to the Stepney murder, in which we find that Emms—a person actually under accusation of the crime—has been himself subjected to examination before the magistrate, no doubt with a view to the incrimination not of himself, but of another. The case, however, is useful as an illustration of the difficulties of applying the rule too strictly in preliminary investigations.

Correspondence.

AUCTIONEER'S RIGHT TO RECEIVE DEPOSITS.

In reference to a letter which appeared in your last number upon the subject of an auctioneer's right to receive deposits, allow me to submit that the course suggested (1 Sugd. 50), and invariably adopted in this establishment, is the only proper one—viz., that all deposit monies be paid, in joint names, into such bank as the vendor and purchaser, or their agents, select; or be otherwise invested, as may be agreed upon.—I am, &c.,

LEWIS C. HERTSLET, Manager.

The Estate Market, 3, Hanover-square, London, W.,
September 19, 1860.

A "Solicitor" does not give sufficient facts. I think there is a custom for the auctioneer to receive the deposit. There is no custom for the solicitor to receive the purchase money. It is not necessary and ought not to be done. Assuming this—if the vendor and auctioneer made no stipulation as to the deposit the latter was entitled to incorporate the custom with the agreement, and unless he impliedly waived his right (as by assenting to the conditions) was justified in refusing to sell if the solicitor prevented his receiving the deposit. The solicitor had no right to insert the condition against the custom but still as agent for the vendor he gave the purchaser a right to insist upon the condition. Again, if the vendor did not expressly or impliedly (as by seeing the conditions and being aware of the custom) authorize the solicitor to insert the condition. I think the latter was bound to adhere to the custom and is liable if he stopped the sale. Lastly if the vendor expressly or impliedly authorised the auctioneer to receive the deposit, and also the solicitor to insert the condition he is without remedy for the result of his own carelessness. There are many other points to be considered and many arguments incidental to them might be raised but space prevents my entering more fully into the question.

E. M.

BILL OF EXCHANGE ACT.

I write to thank your correspondents E. M. & P. P. for their replies in your number of this day to my letter in your number of the 1st inst., and which accord with my own opinion. The cause of action in respect of the bill is also for money lent, but not at the same time as the £8, and this, I presume would constitute the two independent causes of action alluded to by E. M.

In reply to P. P.'s question I beg to refer him to the case of *Eyre v. Waller* 8. W. R. Exch. 450, at page 705 of your number for July 7th, where he will find the whole question fully and ably discussed.

Sept. 15.

LEX.

LAW LIST—ATTORNEYS AND SOLICITORS.

The evil that arises from country solicitors describing themselves as of several places, is very great. London solicitors send writs for service, and find that their correspondent lives ten miles off, and attends once a week, and often has no office, but is to be heard of at some public-house. Not long ago a country solicitor actually wanted to charge a professional friend of mine for mileage going from the town where he lived to the town where the defendant resided, the "Law List" describing the solicitor as of both places; my friend (I think very properly) resisted the demand. The delay too is often very grievous. Surely there must be some remedy for this state of things. Cannot the London agent be made to certify before the Law Society grants the registrar's certificate, that the country solicitor really does reside where he professes? I think that would cure the evil to some extent at all events.

H. H. C.

ATTORNEYS AND THEIR AGENTS.

The case of *Robbins v. Fennell* (11 Q.B. 248) shows that, where privacy is wanting, so that an action for money had and received will not lie, yet that, if the defendant be an attorney, who has acted without, or in excess of his authority, the Court will give redress to the plaintiff upon application against the defendant as an attorney of the court. Thus the remedy appears to be in the case of actual privacy between the principal and alleged agent, an action for money had and received, and if there be no privacy, recourse may then, it appears, be had to the summary jurisdiction of the court over its own officers. Therefore, the ground of Mr. Justice Hill's decision appears to be that the agent did not act in excess of his authority, so as to call for the exercise of the summary jurisdiction of the Court, his default being of a character which is open to an action for money had and received by the attorney who employed him. Neither, on the same grounds, can the client have the summary jurisdiction of the Court enforced against the agent. The article in the *Solicitors' Journal* of the 1st September, 1860, considers that the client would succeed in such an application; but it appears that the facts were regarded by Mr. Justice Hill as disclosing an authorized agency on the part of the country attorney, who, therefore, received the money not without authority, the absence, of which the case in 11 Q. B. seems to regard, as the foundation, for the substance of the application. Mr. Miller, it appears, in point of fact, had not given authority to the agent to receive the money. But Mr. Justice Hill seems to have inferred from the affidavit, that this authority might have existed, or at least, was not sufficiently negatived.

M. N.

The Provinces.

HUDDESFIELD.—On Monday Evening last an aggregate meeting of the Tenant Right Holders under Sir John Ramsden was held in this Town, at which a resolution was unanimously adopted pledging the tenant-right holders to the firm defence of their legal and equitable rights.

LEEDS.—*The Office of Town Clerk.*—On the 14th inst., a meeting was held of the committee appointed at a previous meeting of the Leeds Town Council to consider the best means of providing for the future performance of the duties of Town Clerk. After considerable discussion, it was resolved to recommend that the future Town Clerk shall be paid a fixed salary of £1,000 per annum, out of which he shall provide his own clerks, and defray his office expenses. He will also be

required to conduct the whole of the legal business of the Council, and discharge all necessary duties under the municipal and other acts affecting the Corporation, without any extra remuneration. A majority of twelve to seven decided in favour of the Town Clerk being allowed to carry on private practice as a solicitor, but it was understood that he will have to provide his own office for that purpose. Some other matters have yet to be considered by the committee before their report is presented to the Council.

OLDHAM.—*The Oldham Borough Bench and Mr. Justice Hill*—At the Liverpool March assizes a woman, named Mary Hannigan, committed for trial at Oldham, was found guilty of bigamy, and sentenced to one week's imprisonment. The judge, in passing sentence, strongly deprecated the "squandering of public money," which a prosecution like that involved, censured the conduct of the magistrates in binding over witnesses to prosecute in such a case, and disallowed the costs of the prosecution. The committing magistrates having been advised, when the case was before them, that they had no alternative but to commit the accused for trial, and considering that the observations of the judge involved imputations on them, at which they naturally felt indignant, brought the whole matter before the Home Secretary, Sir George Cornewall Lewis, who took the opinion of the Attorney and Solicitor-General on the subject. In a communication recently received from the Home Secretary, he states that the law officers of the Crown are of opinion "that the magistrates were bound by law to commit Mary Hannigan for trial, upon the evidence laid before them, and that it was not open to them to exercise a discretion in the matter." Sir George Lewis concludes by stating, that, under the circumstances, he feels himself justified in recommending the Lords' Commissioners of the Treasury to defray the costs of the prosecution.

Foreign Tribunals and Jurisprudence.

COURT IMPERIALE DE PARIS.—AUGUST 18.

(From the *Gazette des Tribunaux*.)

WRONGFROM COWARDICE—HOMICIDE THROUGH IMPRUDENCE—DAMAGES.

He who actively causes the death of any one through imprudence or cowardice, is civilly responsible for any damage which has been sustained through such homicide; but in estimating the amount of the damage, the imprudence of the deceased may be taken into account.

It is dangerous to trifle with a coward, desperation may make him a hero. M. Mulot meets M. Profit late at night on a lonely road; he stops him and demands his money or his life. Profit, in his terror not recognizing his friend, strikes him violently with a stick which he held, and hits with such good-will that poor Mulot is killed. Upon this the bereaved widow brings an action against the homicide for the damage she had suffered by the death of her husband. The defence put in is, that Profit was such a notorious coward that it was impossible he should have given these blows save in self-defence, and thus the death of Mulot being due to his own imprudence, there was no right of action.

After the counsel on both sides had been heard, M. Roussel, the Advocate-General, addressed the Court; he tried the question by the application of the 1382nd Article of the Code Napoleon, by which, every act of the man who causes another any damage, obliges him by whom the fault is committed to repair it. Whether the fault is voluntary or involuntary is of little moment. It is sufficient that there be a fault, in order that there should be a reparation, and even the fault committed by a lunatic or a man attacked by a vertigo, the reparation is not the less due. Such is the view and economy of the law. Therefore, there is no need to examine whether he who committed the fault had or had not a consciousness of his acts. The coward as well as the drunkard, said the Advocate-General, are answerable for the acts of damage which they may cause through fear or drunkenness. The only legal excuse of the coward would be the danger he might incur. Now everything leads us to believe that Profit could not believe in any serious danger. He was acquainted with Mulot—he was only a few hundred yards from his village—besides he struck Mulot more than one blow. The learned gentleman concluded in favour of the right of the widow. In conformity with his conclusion the Court,

Considering that Proffit did imprudently, on the night of the 7th of June, 1859, strike Mulot certain blows which occasioned the death of the latter, and that thus Proffit committed a fault which has caused the widow and infant children of Mulot a loss for which Proffit owes reparation in the terms of the article 1382 of the Code Napoleon.—That in fixing the damages, it is right to pay regard to the imprudence of Mulot himself in seeking to terrify Proffit;—condemned Proffit to pay the widow 1,600 francs for herself and her children.

A suit which has just been decided, and in which the public has been much interested (the Villette case), has drawn attention to the subject of *trusts*. It may be worth while to mention some facts alluded to in the pleadings, and which are not without a certain piquancy.

As to the definition of the word *trust* (*fidei commissum*), the following is from the *Repertoire* of Merlin. "It is to be defined as the disposition of a man by which, in conferring a benefit on any one either expressly or tacitly, he is charged to bestow it, or something else on a third party" As to tacit disposition Merlin says: "Most frequently we understand by a *trust*, a feigned disposition apparently made for the advantage of a person, but with a secret intention to transfer the benefit of this disposition to another person who is not named in the testament or donation. These sorts of trusts are only ordinarily created in order to benefit some prohibited person.

Those who wish to create such trusts, ordinarily choose a friend in whom they have confidence, or else some person of honourable reputation on whose disinterestedness they reckon; they name this friend or other person their legatee, either universal or particular, in the hope that the legatee, faithful to their secret intention, will hand over, in conformity therewith, to the person whom the testator or donor has in view, the property which is the object of the trust. This sort of disposition done to deceive the law by the interposition of certain persons is forbidden by the Roman law.

These tacit trusts were also forbidden by us as well by the common law as by the written law . . . they are also forbidden by Art 911 of the Civil Code."

There was, under the old law, more than one example of wills convicted of nullity as containing tacit trusts. One of the most curious suits of this kind was that which occupied the Parliament of Paris in 1669. The circumstances were as follows:—Louis de Bourbon, Prince of Condé, the conqueror of Rocroy, known to all the world as the great Condé, was in 1667 made the universal legatee of a woman of twenty-one years of age. This young woman, who thus left her fortune to a prince of the blood, was called Madeleine de la Grange, and was the wife of the Comte de Guiltant, one of the attendants of the Prince de Condé. The father and mother of the Comtesse de Guiltant, disappointed by this disposition, pretended that the universal bequest made in favour of the Prince was only a trust, and that he was charged to hand over the property of this young woman to her husband to the detriment of her own family. They commenced an action to nullify the universal bequest, and the (supposed) trust. The Prince of Condé replied that there was no trust either express or tacit, that there was only a perfectly legitimate universal bequest. The civil lieutenant asked him to affirm that there was no secret trust; the prince replied that princes of the blood did not affirm. The property bequeathed having therefore been denied him, the prince appealed to the Parliament of Paris. After having heard the advocates of the respective parties, and the conclusions of Talon, the *procureur de roi*, the Parliament awarded the universal bequest to the Prince.

The parents of the Comtesse de Guiltant, disinherited by her will, had maintained that the universal bequest was a tacit trust made with a view to bestow on M. Guiltant advantages forbidden by law, and that the Prince would restore to the husband the property bequeathed by the wife. What is certain is, that the Prince de Condé did in fact sometime afterwards bestow on the Comte de Guiltant all the property composing the universal bequest, and strange to say did it on the occasion of the Comte's second marriage.

The Parliament of Paris, finding that the legal prohibitions were of no avail and were constantly evaded, determined to take new precautions. It thought that it would certainly put a stop to the increase of these trusts and evasions of the law, by obliging the universal legatees to swear that they did not accept the legacy in order to bestow it on the prohibited persons either directly or indirectly. The Parliament hoped that men of honour obliged to affirm in the most solemn manner that

they would not transfer the property bequeathed to them, to persons incapable by law of inheriting it, would hesitate in the face of such an obligation, and that placed between the desire to serve a friend and the thought of perjury, they would prefer to renounce the legacy rather than violate their oath.

The first application of this new law occurred in a suit which produced considerable sensation. The Princess d'Isenghien died in 1715, childless, and having left all her property to the Abbé de Thon, an intimate friend of her husband. The relatives of the princess opposed the delivery of the property to the abbé, and maintained that this universal bequest was only a tacit trust, and suggested that the abbé de Thon would hand over all the fortune of the lady in defiance of the prohibition of the law. The chamber of requests imposed on the legatee the condition of affirming in person that there was no agreement between him and the testatrix to hand over the legacy to her husband; that neither directly nor indirectly did he lend his name to the prince d'Isenghien, and further, that he did not accept this legacy in order to hand it over to the prince, either directly or indirectly, in whole or in part, nor in any manner whatsoever.

The abbé appealed from this decision, but the Parliament confirmed the decree. St. Simon narrates the result. "Mme. d'Isenghien-Rhodes, who died childless, gave all her property to the abbé de Thon. . . . He did not know a word about the legacy before the opening of the will, he could therefore safely take the oath. But the Parliament went farther than ever it had done before, and asked him to swear that he would keep the legacy for himself and would not give it to any one, otherwise that the legacy should be void . . . I don't know how the abbé de Thon understood it, but seeing that the will would be broken for want of an oath not to give the legacy to any one, he thought it best to swallow the oath, and thus got the legacy."

St. Simon himself had to maintain a suit on account of a legacy made to him by the wife of one of his friends, which was attacked on the ground of a secret trust being attached to it. The duke hesitated to take the oath. However, he managed matters so well, that the relations of the deceased lady at length came to a compromise.

These disputes and decisions are not without their interest. They suggest to the English lawyer many reflections. Amongst others, it cannot but strike us as singular that a gift by the wife to her husband was by law invalid, while she was perfectly at liberty to leave all her property to an utter stranger. Another feature which seems to us to be rather an infringement on individual rights, is the oath imposed by the Parliament, that the legatee would not transfer the property bequeathed, but would retain it for himself. Surely all the principles of justice were satisfied if the legatee could swear that there had been no agreement either direct or indirect between him and the testator to dispose of the property in any manner prohibited by law. We doubt much, too, the efficacy of any laws, however stringent, to prevent acts which are dictated by the most natural affections of our nature. Whenever there is such a struggle, the artificial restriction must ever yield to what is a deeply fixed motive of the human heart. *Naturam expelles furca, tamen usque recurrit.*

In England, injured husbands resort to the Divorce Court; in France, it seems they take the law into their own hands. On the 7th June last, the inhabitants of the little town of Parranquet, (Lot-et-Garonne) were roused by the report of fire-arms, and on running to their doors, beheld a young man named Boisserie, appear at the door of the mairie, stagger along for about fifty yards, and then fall covered with blood. At the same time, M. Lapaigue, the mayor, appeared at his door and called out: "Ah! scoundrel, you have offered violence to my wife, you placed your hand upon her mouth; I will teach you to behave in this manner in my house, just see how my beds are disordered!" Boisserie said nothing, some persons came to his assistance, he asked for a priest, and often cried out, "My God, have pity on me!" Being interrogated by the bystanders as to what had taken place, he said: "M. and Mme. Lapaigue, were at the door of their house, I went in with them and then M. Lapaigue having for some time remonstrated with me on the relations which public rumour attributed to me and his wife, at length ordered me never to set foot in his house again. I had just reached the door when I felt myself hit in two places." He repeated the same account before the commissary of police. In the evening Boisserie died.

It appeared in evidence on the trial that Boisserie had the reputation of being the favoured lover of Mme. Lapaigue, and

their intrigue was (of course) much talked of by their neighbours; but there was not any very strong evidence to show that anything criminal had really taken place.

M. Jules Favre appeared for the accused. As usual, he is said to have carried away his audience by his brilliant improvisation, depicting in the most powerful language the moving spectacle of the grief of the husband at witnessing the violence done to his wife. His vigorous argumentation, easy, rich in oratorical developments, produced a wonderful impression, and it was easy to foresee the result.

The jury immediately returned a verdict of acquittal.

Reviews.

A History of Education for the English Bar, with Suggestions as to Subjects and Methods of Study. By PHILIP ANSTIE SMITH, M.A., LL.B., Barrister-at-Law. London: Butterworths. 1860.

The Lawyer and his Profession. A Series of Letters to a Solicitor commencing Business. By J. ORTON SMITH. London: Stevens & Sons. 1860.

The outward incidents of the law student's life have not changed more completely during the last two centuries than have his materials for study. In truth, both one and the other are so entirely different now that it is neither easy to realise the quaint customs and manners Mr. P. Smith recalls to our remembrance as having prevailed in earlier times, nor to understand how the young Templars of those days could find topics for their mootings and other legal exercises. Law Students now-a-days wear cloaks, and even beards, without incurring any pecuniary mulct; and the Common Law Procedure Acts and other innovating statutes have thrown so much light upon the ancient recesses of the law which used to afford such rare sport to the disputant, that they are comparatively useless for the purposes of exercising the intellect. "Express colour," for example, no longer exists; and "special traverses" are a thing of the past. An Act of the session just closed has ruthlessly swept away the remnants of technical leaning which has hitherto clung around real actions; and Lord St. Leonards has even done his best to deprive the epicurean conveyancer, of the slender dainty still remaining to him,—known to the learned as the doctrine of *scintilla juris*. Hence it would be almost impossible, were it desirable, to resuscitate the ancient system of instruction any more than the ancient discipline of our inns of court; and it is necessary to keep distinctly before the mind these changes which the law itself has undergone, in laying down rules for its study.

We are not aware of any previous publication which has taken up the precise ground over which Mr. P. Smith travels. There is, it is true, Mr. Pearce's Guide to the Inns of Court and Chancery, which contains a good deal of the information given in the present essay concerning the scholastic and other discipline of the different inns in the Elizabethan age; and which both authors draw chiefly from Dugdale's *Origines Juridicales*. And we have had the Law Studies of Mr. Warren—a Gamaliel, by the way, at whose feet Mr. Smith sits with a humility (as we think) quite unnecessary. But the student for the bar will find in the present volume much more than the curious gossip which can be picked up in Dugdale, or than the mixture of wisdom and vanity which permeate Mr. Warren's pages. He will find the evidence of a thoughtful and cultivated mind brought to bear upon a highly interesting subject; and out of the suggestions here given he will be very dense or very unfortunate, if he does not carry away a store of useful hints.

Mr. P. Smith's work is divided into three distinct parts, by no means equal in their merit or their practical utility. The first, is taken up with an account of the ancient legal education prevailing in the inns of court, and goes into this subject in considerable and rather tedious detail. No doubt the picture of manners presented to our minds, through the medium of the puerile regulations for the discipline of the students still existing on the books of the societies, is curious enough in a general way; but we think that this part of Mr. Smith's work might have been abridged and simplified with advantage. Again, the third part, which gives an account of the "systematic legal education in the inns of court in modern times," appears to us of inferior interest; and to form (consisting as it does chiefly of the regulations which lie upon the library table of each of the inns, and of the proceedings of the "Inns of Court Inquiry Commission") rather a pathetic conclusion to the really original and valuable contents of the second part; for there

we have, under the head of "self-education for the English bar," about one hundred and fifty pages of sound, manly, and thoughtful advice, the product evidently of much and varied information, combined with great powers of conveying that knowledge to others. The following is Mr. Smith's own programme of this part of his work. He proposes to inquire, first, what classes of *general studies* have been in favour with men who have excelled in the legal profession, to advert next more particularly to *history*, and afterwards to notice, successively, some studies of a *legal character, but distinct from English law*; some courses which have been used or advised for the study of *English law itself*; the attention which has been given to *composition* and to *public speaking*, as specific subjects of education; and, lastly, into some *methods* more or less artificial, which tend to assist a student's progress, and give to legal pursuits a freshness in which they are apt to be deficient.

The arrangement thus marked out, Mr. Smith pursues with undeviating fidelity, in eight consecutive chapters; and from one or two of these we will now give a specimen of his style, and the manner in which he handles his subjects.

We will begin with the author's defence of the study of *history*, which is strongly recommended by him to the attention of the student of law. "There is something not profitless as a mental exercise in the very variety and complexity, as well as importance, of the human interests, motives, and actions, with which history has to do. The anatomy, even though much of it be morbid anatomy, which an able historian's dissecting knife illustrates, is not wanting in instruction to a mind prepared for it, though indeed it behoves an unskilled pupil to beware how he chooses a teacher, and to what intent he submits himself to his guidance. Lord Bacon, in his account of the several effects of studies, says that 'Histories make men wise;' and, at any rate, many persons would allow that a knowledge of history is among the things which particularly contribute to make a thoroughly accomplished and educated man. If in some degree the trite saying as to the 'proper study of mankind' is true, pure history may well form a large branch of it, for the development of men, even as an individual, cannot be understood without a reference to those various institutions of social, municipal, and national life, in which men have been gathered together. And a true student of history brings within his attention the commercial, agricultural, financial, and literary condition and changes of a people, as well as their foreign relations, and their internal political progress or decay." (p. 69.)

A complete absence of dogmatism—we had almost written a want of proper confidence in his own opinions—is perceptible in the various passages of the work; but we believe this to result, not from any real uncertainty as to the soundness of his own views, but from the genuine and unaffected humility of the writer. An instance of this arises in the deference he pays throughout his suggested curriculum for the student of English law, to Mr. Warren's work on law studies, to which allusion has been already made. The gigantic course of reading recommended by the novelist, is substantially approved of (with such modifications as are required by the legal changes of the last fifteen years), by the present writer. We prefer, however, to give the reader the benefit of the original advice contained, with regard to the study of *cases* as distinct from text books.

"With respect to recent reported cases, it will be well pretty early to begin the habit of reading these, as they are published, and also looking carefully at the statutes passed in the successive sessions of Parliament. The study of recent cases can be commenced soon after that of the older reports, and it may be well to practice two distinct modes of study; for while it is important on the one hand to avoid a superficial habit of reading, it is desirable on the other to acquire expertness in seizing rapidly and strongly the chief points of cases, dismissing accessory matter. Perhaps a good method of attaining both objects, may be found in the plan of having on hand some of the older series (e.g. the 'Term Reports,') and studying these rather cursorily, caring chiefly to mark the *very point decided*, and the *principles* of the decision, but not dwelling on accessory details or arguments; and also, in the same period, reading steadily through, without any such selection, the later cases, as they are published periodically." (pp 115, 116.)

Upon the whole we very cordially recommend this work to the serious attention of those young men, who—and particularly at the approaching period of the year—are flocking

* Perhaps Lord Bacon included in this some branches of knowledge which are often accounted parts of natural science, for in the "Treatise on the Advancement of Learning," he says, "History is natural, civil, ecclesiastical, and literary;" but even then it would exclude ordinary history.

up to the metropolis to follow up the new path of life on which they have entered. As we have already said, we know not where else they will find an honest or more able guide. Moreover, the advice here given is evidently founded on the personal experience of the giver, which is a circumstance materially calculated to increase its acceptability and usefulness.

It is now time to give some account of Mr. Orton Smith's work, which, though written to a certain extent with a similar object as the work already noticed, is addressed to a different and more numerous class of readers.

The general aim of the writer, we learn from the preface, was to set forth in popular language certain leading principles "which should be borne in mind by every solicitor who wishes to secure the confidence of his clients and the respect of his fellow-men." Acting upon this idea Mr. Smith addresses to an imaginary friend, about to "lay himself out" for business, a series of familiar letters (somewhat after the manner of Lord St. Leonards' celebrated "Handy Book"), in which, in that easy garb, he contrives to dress up a good number of useful hints for the young solicitor's conduct in the exercise of his calling. Some of Mr. Orton Smith's recommendations, it is true, condescend rather too much to details; as for example, where—after warning his young pupil of the propriety of sticking closely to his office during the early years of his professional life, lest he should disgust a would-be-client by a closed door, with "return immediately" penned thereto outside—he naively adds, "you may have less chance of losing his support, however, if a sharp-witted lad is ready to open the door, and beg him to be seated till you return with the assurance that you have 'only stopped round to Lincoln's-inn,' and will be 'back almost directly'" (p. 18).

We would, however, by no means have our readers suppose that Mr. O. Smith's letters contain no more valuable hints than these. On the contrary, under a seeming superficiality there is perceptible throughout a vein of sterling good sense combined with a knowledge of the world. Neither does he shrink from the discussion of delicate and difficult subjects; such, for example, as the rules by which solicitors should be guided in making out their professional charges. As to this important topic, the general result of his advice is to make such charges with *moderation*, but at the same time not to go too far in this respect. "You have," he observes, "morally, no right to sell an article at less than its real value to the prejudice of your neighbour who is exercising the same calling as yourself; by doing so you lead the purchaser to believe that the same article is to be everywhere had at the price which he has paid for it" (p. 70).

There are many young men to whom this series of letters cannot fail to be both interesting and useful, and we have little doubt that it will meet with very general acceptance and approbation. The style in which they are written is very pleasing, and many of the questions raised are extremely important to young practitioners, who will find in Mr. Orton Smith a prudent, and at the same time an agreeable adviser, whose only fault is his anxiety to omit nothing, however trivial, which may by any possibility, however remote, escape the attention of his readers. Mr. Orton Smith's views on the relation in which a solicitor stands to his client, as expressed in the following extract, will give a fair notion of both his matter and style:—

"I have already, in the course of these letters, said a good deal bearing upon the relation in which a solicitor stands to his client. I have repeatedly pointed out that a solicitor's first duty is to study his client's interests. In my fourth letter I dwelt particularly upon the importance of constantly keeping this maxim in view as one of the *guiding principles* of a solicitor's conduct. In my seventh letter, I more than once remarked that a solicitor is the responsible agent and adviser of his client, and not merely his secretary. There is little to add to what I have thus so repeatedly insisted upon; and it does not therefore seem necessary to do more than make one or two remarks with reference to the practical details of a solicitor's duty as his client's responsible agent.

It is of course important that a solicitor should be careful not to do, or become party to, any act on behalf of his client, with reference to which he has not the most clear and precise instructions. Although this observation may appear to be a truism, yet I think it is none the less important to set the precept before you. It is most desirable that, as a young practitioner especially, you should guard against acting on your client's behalf too much on your own discretion. It is safer to consult his wishes as to every detail of a matter of any importance—safer on his account, that you may the more certainly

act for his benefit; and safer on your own account, that you may not render yourself responsible in respect of any steps you may take unauthorized. When a man consults a solicitor of experience and standing, he generally commits to the latter the entire conduct and management of the matter on which he has consulted him. It is obviously natural, in such a case, that pretty nearly everything should be left to the solicitor's discretion. But when a man places an affair of any importance—or even of trifling importance—in the hands of a young practitioner, it can hardly be expected that he will unreservedly trust in his discretion—a discretion which has not, as yet, been tried. I believe, as I have intimated in my third letter, that it is in reality a mistaken notion to suppose that clients' interests are better watched and cared for in large offices than they are in the offices of the junior members of the profession—assuming the latter to have average abilities, and to be conscientious in the discharge of their duties. And it is not in the least degree inconsistent with the views expressed in my third letter, to say that, while the young practitioner has an equal right with the more experienced to expect that his client will trust him as his legal adviser, he has, nevertheless, no right to expect that his client will be content to leave him with an unreserved discretion to act on his behalf. Indeed, it seems to me that a client has this advantage, at least, in placing his affairs in the hands of the young practitioner—that he can have no scruple about requiring from the latter a constant account of his stewardship. It is another thing if the client wishes to be saved all trouble and anxiety; in this case he will naturally employ one in whose hands he believes he can safely leave the general conduct of his affairs, without his having to give more than occasional attention to them.

"It is always better to take instructions in writing, and to be particular that they shall be full and explicit; and in taking them you should of course not omit to suggest anything which occurs to you. It is very desirable to have at least some written record of your client's instructions, assented to by him at the time, in order to avoid the possibility of future misunderstandings. Young practitioners especially should be careful to note down every detail relating to their client's wishes. The kind of clients who employ young practitioners are frequently just the kind of men who don't entirely 'know their own minds'; and they are apt occasionally to forget, at a future time when it is too late, what their instructions actually were, and to tax the hapless solicitor with having misunderstood, or, what is worse, with having carelessly overlooked, them. Should this occur to you, you may reasonably expect that your client will regard you with suspicion, as 'a young man not to be trusted.'

"The foregoing observations respecting the taking and acting upon instructions will, I have no doubt, be read with something like contemptuous impatience on your own part. I am aware that I have been dwelling upon very simple and obvious rules. I would remind you, however, that these are just the kind of rules which are most liable to be lost sight of and neglected if their real importance be not clearly understood. To urge upon you to be particular to take the fullest and clearest instructions, and to be careful to commit those instructions to writing in detail, may seem rather unnecessary. Yet I believe that this precept is very apt to be disregarded by many practitioners, and is perhaps still more liable to be so by those who have not many years' experience, simply from the fact that its strict observance involves the exercise of some patience, to say nothing of the time likewise taken up. But I think you will generally find that, by adopting and adhering to the precept in question, you will in the long run save yourself a great deal of needless waste of time. When a client instructs you with reference to a simple matter of business, there seems, at the time, to be no need of doing more than reply, 'Yes, and 'Certainly,' to what he tells you, without taking up your pen at all. When he is gone, however, and you set about carrying his instructions into effect, various considerations are apt to present themselves to your mind, respecting which, either it never occurred to you when your client was with you to consult his wishes, or else you have quite forgotten what his wishes were. You thus occasion needless delay, by reason of your having to apply to your client again in order to obtain further instructions; by so doing in all probability lessening his estimate of your qualifications as a man of business. You may quite rely upon it, that whatever you have to do in the course of business cannot be too thoroughly and efficiently done. Carefully to note down on paper all the details of your client's instructions—from time to time offering him suggestions with reference to such points as necessarily occur to you as you proceed, may be—and sometimes really is—very irk-

some, especially if your client be at all a 'long-winded' person. But nothing in this world that is worth doing at all can be well and satisfactorily done without exercising patience and minute attention to details. Any one will tell you this who has succeeded in life by means of his own exertions. Mr. Smiles, in a book* remarkable for its practical wisdom and excellent teaching, has insisted on this truth over and over again. All the *minutiae* of a solicitor's business are more or less troublesome; but they none the less require careful attention.

"I hope I need not especially caution you to be particular in accounting to your client regularly for all moneys of his coming to your hands. Nothing is so dangerous as to acquire a habit of remissness in this respect. The terrible disclosures occasionally made of the fraudulent misappropriations of their clients' moneys by some solicitors should be a warning to every young practitioner. It is better not to keep your clients' money in hand longer than you can help; and if, by any accident, you are unable at the moment to pay him over the balance you may happen to have to his credit, at least let him know what it is you owe him, and do not allow yourself to be silent on the subject with the idea that you need say nothing about the matter till you are able to settle with him. The most open frankness in this, as in all other matters, is the only honest course. It is the best way to win your client's confidence in your honour and integrity to conceal nothing from him which he ought to know from you as his confidential agent. Caution and reserve in dealing with others on your client's behalf are essential qualities—though, even when so exercised, they may, sometimes, be carried too far. But anything like reserve—anything but perfect frankness—as between you and your client, should never be indulged in."

Mr. T. W. Erle, Barrister at Law, has been appointed Associate of the Court of Common Pleas in the room of the late Mr. John Jarvis. Mr. Erle was previously Registrar of certificates and affidavits of acknowledgements.

Mr. W. Morgan Bennett, solicitor, has been appointed Master of the Court of Common Pleas in the room of the late Mr. John H. Cancellor.

CONTRACT NOTES OF EXCHANGE BROKERS.—The following correspondence which appeared in a morning paper relates to the non-liability of contract notes of exchange brokers to the penny stamp duty:—

"To the Commissioners of Inland Revenue (for special purposes.)"

"Gentlemen,—In the Act just passed, under the head of 'Contract Notes,' commencing with 'any note, memo., or writing, commonly called a contract note,' &c., 1d. is required to be affixed to all contracts relating to the sale or purchase of all public stock, funds, or securities. As the Act does not apply to contracts on the sale or purchase of bills of exchange, and a doubt exists in the minds of some banks and mercantile firms in the city, who call for the duty of 1d. to be affixed to such contracts, I request to have the authority of the Commissioners of Inland Revenue to exempt the said contracts from this tax. In any emergency the sold and bought contract note which has to be given to the seller and purchaser of bills of exchange could not possibly be liable to each a penny on the same transaction.

"I have the honour to be, your obedient servant,

"5, Ainsliefriars,

"JAMES LOW."

"Inland Revenue, Somerset-house,
London, Sept. 19.

"Sir,—Having laid before the Board of Inland Revenue your letter of the 13th inst., I am directed to acquaint you that if the contract note referred to by you does not relate to the sale or purchase of Government or other public stocks, funds, or securities, or to the stock, funds, or securities or share or shares of any joint-stock or other public company, it is not liable to the 1d. stamp imposed by the 23d and 24th of Victoria, chap. 111.

"I am, Sir, your obedient servant,

"C. HAY, Assistant-Secretary.

"Mr. James Low."

THE COLLECTION OF TAXES.—The Inland Revenue Commissioners have abandoned their proposal to collect assessed taxes by Government officers instead of local collectors. Their report says:—"The present distribution of our officers through-

out the country not being made with reference to these new duties which they would be required to perform, we should probably find ourselves, when called upon to provide for the assessment and collection in a particular district, entirely without the proper instruments for the purpose, and either be obliged to resort to some imperfect temporary expedients, or incur great and unnecessary expense in forming a special establishment for that district alone. But the main objection to the scheme was the impossibility of the working it upon any uniform system. In each district our proceedings would require to be regulated by a separate code of laws. In one we might have the means of collecting from house to house; in another we should be obliged to exact from the tax-payer an attendance at some fixed place of collection. In a third we should require that attendance on certain fixed days to meet our collector on his rounds. Regulations such as these must be supported by the sanction of an Act of Parliament, and it is not easy to see how an Act could have been framed for the purpose, so as to meet all the various circumstances of the different districts in which it might come to be enforced. We therefore have been obliged to abandon this scheme. We found also not only that the majority of the local commissioners are adverse to any change, but that the terms in which that adverse opinion is conveyed are so strong and decided as to lead to the conclusion that any measure of the kind would encounter the most vehement opposition in Parliament.

INDIAN SECURITIES.—It is officially announced that holders of Indian securities in this country will be charged with the English as well as the new Indian income-tax. Eight per cent. will thus be levied upon their dividends, an impost which will, no doubt, meet with strong opposition.

Births, Marriages, and Deaths.

BIRTHS.

HAYES—On Sept. 11, at Clonmannon, county Wicklow, the wife of the Hon. Mr. Justice Hayes, of a son.

KEANE—On Sept. 14, the wife of David Keane, Esq., Barrister-at-Law, of a son.

WOODHOUSE—On Sept. 18, the wife of Henry R. Woodhouse, Esq., Barrister-at-Law, of a son.

WOOLLETT—On Sept. 14, the wife of John Woollett, Esq., Barrister-at-Law, of a daughter.

MARRIAGES.

SHEPPARD—MURRAY—On July 17, at Sydney, Edmund Sheppard, Esq., Barrister, of the Inner Temple, and of the Supreme Court of New South Wales, to Mary Grace, elder daughter of Charles Knight Murray, Esq., of Sydney, Barrister, and President to the Court of Claims to Crown Lands.

SNEYD—COOKSON—On Sept. 13, at St. Paul's, Kirsall, near Manchester, by the Rev. F. Richardson, Wm. Debank Sneyd, Esq., Solicitor, Manchester, and of Woodlands, near Leek, to Sarah Elizabeth, daughter of the late R. Cookson, Esq., formerly of Manchester.

THOMPSON—CORDUKES—On Sept. 12, William Thompson, Esq., Solicitor, York, to Anne Jane, second daughter of John Cordukes, Esq., Holywood.

WILLETS—HARRISON—On Sept. 15, Charles Wethered Willets, Esq., of Lincoln's-inn, Barrister-at-Law, to Thomasina Georgian, third daughter of the late Thomas Harrison, Esq., one of Her Majesty's Commissioners of Inland Revenue.

DEATHS.

BLY—On Sept. 9, suddenly, aged 33, Mr. Thomas Bly, of London-road, Worcester, managing clerk to T. Rea, Esq., Solicitor, of that town.

COARE—On Sept. 18, Watson Coare, Esq., of 4, King's Bench-walk, Temple, Solicitor, aged 34.

FORDADI—On Sept. 13, James Quale Fordadi, Esq., of the Inner Temple, in his 25th year.

JARDINE—On Sept. 13, in his 68th year, David Jardine, Esq., Magistrate of Bow-street, Police Court.

WATSON—On Aug. 31, killed on the spot by a fall through a crevice of the Windacher Glacier, in the Otztal, Tyrol, the Rev. William Grey Watson, Resident Chaplain to the Hon. Society of Benchers of Gray's-inn, and grandson to Richard, Lord Bishop of Landaff, aged 39.

Unclaimed Stock in the Bank of England.

The Amount of Stock heretofore standing in the following Names will be transferred to the Parties claiming the same, unless other Claimants appear within Three Months:—

SAFFERY, REV. JOHN, JOHN SMITH, THOMAS MARSH, & WILLIAM LONG, a of Salisbury, £72 : 3 : 2 Consols.—Claimed by WILLIAM TROSBY, Grocer, & JOHN PARKER, Attorney's Clerk, both of Salisbury, pursuant to an order of the County Court of Wiltshire, dated April 25, 1860, "in the matter of Richard Spagg's Charity in Salisbury."

SMITH, WILLIAM, Esq., Richmond, Surrey, £250 Consols.—Claimed by GEORGE HUME, & REV. THOMAS TUNSTALL SMITH, the surviving executors.

STARKEY, BLANDINA CATHERINE, Spinster, Bettina, Montgomeryshire, £108 3 pence.—Claimed by ACCOUNTANT-GENERAL of the Court of Chancery, pursuant to an order of the said Court, dated Aug. 13, 1860, "in the matter of Blandina Catherine Starkey, a person of unsound mind."

TEIGNMOUTH, Right Hon. JOHN, Lord, £2,000 3¼ per Cents.—Claimed by Right Hon. CHARLES JOHN, Baron TEIGNMOUTH, one of the executors.

English Funds and Railway Stock.

(Last Official Quotation during the week ending Friday evening.)

ENGLISH FUNDS.		RAILWAYS—Continued.	
Bank Stock	100	Stock London and Blackwall	68
3 per Cent. Rod. Ann.	98 1/2	Stock Lon. Brighton & S. Coast	109 1/2
5 per Cent. Cons. Ann.	98 1/2	Stock Lon. Chatham & Dover	59
New 2 1/2 per Cent. Ann.	98 1/2	Stock London and N.-Wetm.	100 1/2
Consols for account	98 1/2	Stock Ditto Eighth's	52
Long Ann. (exp. Apr. 5, 1865)	100	Stock London & S.-Westm.	47 1/2
India Debentures, 1858.	100	Stock Man. Sheff. & Lincoln.	129 1/2
Ditto 1859.	100	Stock Midland	104
India Stock	216 1/2	Stock Ditto Birm. & Derby	57
India Loan Scrip.	100	Stock North British	63
India 5 per Cent. 1859.	103 1/2	Stock North-Eastn. (Bewick)	100
India Bonds (£1000)	100	Stock Ditto Leeds	57 1/2
Do. (under £1000)	100	Stock North York	87 1/2
Exch. Bills (£1000)	100	Stock North London	104
Ditto (£500)	100	Stock Oxford, Worcester, & Wolverhampton	59
Ditto (Small)	4 pm.	Stock Portsmouth	116
RAILWAY STOCK.		Stock Scottish Central	34 1/2
Stock Brk. Lan. & Ch. June.	80	Stock Scot. N. E. Aberdeen	90
Stock Bristol and Exeter	102	Stock Do. Scotch. Mid. Sdk.	51
Stock Caledonian	92 1/2	Stock Shropshire Union	51
Stock Cornwall	6 1/2	Stock South Devon	44
Stock East Anglian	17	Stock South-Eastern	85 1/2
Stock Eastern Counties	84 1/2	Stock Stock per Cent.	59
Stock Eastern Union A. Stock	42	Stock 25 Stockton & Darlington	69 1/2
Stock Ditto B. Stock	30	Stock Vale of Neath	59
Stock Ditto Lancashire	82	Lines at fixed Rentals.	
Stock Edinburgh & Glasgow	30 1/2	Stock Buckinghamshire	98
Stock Edin. Perth. & Dundee	108	Stock Chester and Holyhead	53
Stock Glasgow and South-Western	116 1/2	Stock Ditto 54 per Cent.	127
Stock Great Northern	121	Stock Ditto 5 per Cent.	114
Stock Ditto A. Stock	132	Stock East Lincoln, guar. 6	140
Stock Ditto B. Stock	110 1/2	Stock 50 Hull and Selby	112
Stock Gt. Southn. & Westn. (Ireland)	73 1/2	Stock London and Greenwich	63
Stock Great Western	110 1/2	Stock Ditto Preference	120
Stock Lancaster and Carlisle	110 1/2	Stock Lon. Tilbury, Stend.	94 1/2
Stock Ditto Third's	110 1/2	Stock Shrewsbury & Herefd.	108
Stock Ditto New Third's	114	Stock Wilts and Somerset	94
Stock Lancash. & Yorkshire	114		

London Gazettes.

Professional Partnership Dissolved.

FRIDAY, Sept. 21, 1860.

STONE, JOHN, WILLIAM GEORGE POWELL, and WILLIAM CHAMBERLAIN, Solicitors & Attorneys, 13, Queen-square, Bath, by mutual consent Ang. 14.

Creditors under 22 & 23 Vict. cap. 35.

TUESDAY, Sept. 18, 1860.

CHADWICK, EDWARD WOLFF, Solicitor, Long Ashton, Somerset (who died on Aug. 2, 1860). Abbot, Lucas, & Leonard, Solicitors, Albion Chambers, Bristol. Nov. 1.
 DEWINTER, JOHN, Cashier & Book-keeper, Broughton-street, Salford, Lancashire (who died on Feb. 26, 1860). Barrow, Solicitor, 90, Brown-street, Manchester. Dec. 4.
 GOSCH, SARAH, Spinster, Barkridge, Addle, Yorkshire (who died on Dec. 5, 1859). Turner, Solicitor, Rothwell, near Leeds. Nov. 1.
 JOHNSON, ELIZABETH, Spinster, 18, Promenade, Cheltenham (who died on June 24, 1860). Brooke, Solicitor, 7, New Boswell-court, Lincoln's Inn. Nov. 1.
 LEWIS, EDWARD, Farmer, Stammerham, Horsham, Sussex (who died on Jan. 26, 1860). Medwin, Solicitor, Horsham. Dec. 29.

FRIDAY, Sept. 21, 1860.

ALDERSON, EDWARD, Grocer, Stockton, Durham (who died in Feb. 1842). Faber & Wilson, Solicitors, 19, Silver-street, Stockton-on-Tees. Dec. 1.
 BROADBENT, JAMES STRECLIFFE, Worsted and Cotton Spinner & manufacturer, Roundhill, Gomersal, Birstal, Yorkshire (who died on March 31, 1860). Vavell, Phillpotts, & Forster, Solicitors, 14, George-street, Hallifax, Yorkshire. Nov. 1.
 BROWN, JOHN, Joiner, Knottingley, Yorkshire (who died on Dec. 19, 1859). Carter, Solicitor, Pontefract. Oct. 31.
 BREMAN, HENRY, Patent Brick & Tile Manufacturer, Stratford-upon-Avon, Warwickshire (who died on or about June 27, 1860). Hobbes & Slater, Solicitors, Stratford-upon-Avon. Nov. 1.
 CARLOW, JAMES, Farmer & Grocer, Slidburn, West Riding of Yorkshire (who died on Dec. 16, 1859). L. & W. Wilkinson, Solicitors, 75, Ainsworth-street, Blackburn. Nov. 1.
 DAVIES, THOMAS, Gent., Stratford-upon-Avon, Warwickshire (who died on or about April 26, 1860). Hobbes & Slater, Solicitors, Stratford-upon-Avon. Nov. 1.
 IRISH, HENRY, Gent., Hamilton-cottage, Hamilton-road, Lower Norwood, Surrey, and 4, Lotherby, London (who died on Feb. 12, 1860). Reeve, Solicitor, 10, Tokenhouse-chambers, Tokenhouse-yard, Lotherby, London. Nov. 30.
 LINGLEY, EDWARD, Gent., 1, Devonshire-terrace, Peckham, Surrey (who

died on July 5, 1860). Thomson & Son, Solicitors, 60, Cornhill, London. Nov. 15.

MAW, JOHN WELLBURN, Veterinary Surgeon, Thornton, Yorkshire (who died on Feb. 28, 1860). G. W. Gee, Draper, Scarborough, or W. Robson, Chemist, Scarborough. Nov. 15.

MIDDLETON, JOHN, Shipowner & Sailmaker, Bishopwearmouth, Durham (who died on July 3, 1860). Snowball, Solicitor, Sunderland. Dec. 21.

RICHES, JOHN, Tailor & Draper, Bungay, Suffolk (who died on Nov. 19, 1859). Smith, Attorney, Bungay, and Farman, Farmer & Thatcher, Salehouse, Norfolk, executors. Nov. 5.

ROBSON, ROBERT, Farmer, Burntost, Elwick Hall, Durham (who died on July 30, 1860). Faber & Wilson, Solicitors, 19, Silver-street, Stockton-on-Tees. Dec. 1.

SAMSON, LOUIS, Esq., Stock Exchange, London, and 45, Gloucester-square, Hyde Park, Middlesex (who died on July 8, 1860). Nicholson, Solicitor, 5, Raymond-buildings, Gray's-inn, Middlesex. Oct. 30.

TOWLER, MARY, Widow, Haywood Lodge, Park-hill, Clapham, Surrey (who died on July 4, 1860). Thompson & Son, Solicitors, 60, Cornhill, London. Nov. 15.

WALTON, JAMES, Farmer, Broughton, Whitechurch, Warwickshire (who died on or about Aug. 21, 1859). Hobbes & Slater, Solicitors, Stratford-upon-Avon. Nov. 1.

Creditors under Estates in Chancery.

TUESDAY, Sept. 18, 1860.

GOODRICH, WILLIAM, Fordham, Cambridgeshire (who died in or about June, 1859). Langham v. Reynolds, M.R. Nov. 5.

HAINES, RICHARD, Coal Master, Tipton, Staffordshire (who died on or Oct. 4, 1859). Haines v. Haines, M.R. Nov. 2.

(County Palatine of Lancaster).

FRIDAY, Sept. 21, 1860.

PAREE, JOHN, Master Mariner, Birkenhead (who died in or about March, 1858). Newall v. Swan, Registrar's Office, 1, North-street, Liverpool. Oct. 30.

Assignments for Benefit of Creditors.

TUESDAY, Sept. 18, 1860.

FOX, MICHAEL JOHN, Boot & Shoe Maker, Rotherham, Yorkshire. Sept. 11. Trustee, J. H. Mycock, Agent, Masbrough, Yorkshire. Sol. Rising, Rotherham.

HOSKIN, OCTAVIUS, Grocer, Middlesbrough, Yorkshire. Aug. 24. Trustee, W. Hoskins, Grocer, Huddersfield; and T. P. Pentland, Merchant, Middlesbrough. Sol. Gill, Middlesbrough.

LINLEY, JOHN, Yeoman, Beverley. Aug. 21. Trustee, W. Kitchen, and R. Lawson, Bank Managers, Beverley. Sol. Todd, Beverley.

SCOTT, ABRAHAM, Ironmonger, Old Millgate, Manchester. Sept. 6. Trustee, C. Duffield, Accountant, Market-place, Manchester. Sol. Richard & Small, Burton-on-Trent.

SKENE, EDWIN ALLEN, Timber Merchant, Hackney-road, Middlesex. Aug. 20. Trustee, H. Bateman, Merchant, Old Broad-street, London. Sol. Shephard, 24, Moorgate-street.

STONE, CEALUS, Linen Draper, 29, Broadway, Stratford, Essex. Aug. 31. Trustee, J. Stone, Linen Draper, Woolwich. Sol. Stophor, 35, Coleman-street, London.

THOMAS, GEORGE, Sail Maker, Cardiff, Glamorganshire. Aug. 23. Trustee, D. Johnstone, Rope & Canvas Manufacturer, Greenock, Renfrew, Scotland; and W. John, Warehouseman, Bristol. Sol. C. Waldron Church-street, Cardiff.

WHITEHEAD, WILLIAM REED, Corn Factor, Chesterfield. Trustee, G. Hewitt, Hop Merchant, Southwark, Surrey. Sol. Matthews, Carter, & Bell, 109, Leadenhall-street.

FRIDAY, Sept. 21, 1860.

BRUNT, THOMAS, Earthenware Manufacturer, Woodville, Ashby-de-la-Zouch, Leicestershire. Sept. 4. Trustee, F. Hamp, Wine Merchant, Ashby-de-la-Zouch; J. Iron, Mining Agent, Swadlincote, Derbyshire. Sol. Richard & Small, Burton-on-Trent.

CHADWICK, JAMES, Lining Manufacturer, New Wortley, near Leeds. Aug. 20. Trustee, J. Winder, Mill Owner & Cloth Manufacturer, Burley, near Leeds. Sol. Maud, Leeds.

DODDSON, JOSEPH, Draper & Tailor, Spennymoor, Durham. Aug. 14. Trustee, J. Waller, Draper, Newcastle-upon-Tyne; H. Simpson, Woollen Draper, Newcastle-upon-Tyne. Sol. Storey, 16, Market-street, Newcastle-upon-Tyne.

FREEMAN, CHARLES, Watch Manufacturer, Coventry. Sept. 10. Trustee, J. Harris & J. H. Elliot, Watch Case Manufacturers, Coventry; W. Beckerton, Watch Manufacturer, Coventry. Sol. Minster & Sons, 37, Trinity Church-yard, Coventry.

HOWETT, SAMUEL, Inn-keeper, Lowestoft, Suffolk. Sept. 3. Trustee, Sir Samuel Morton Peto, Bart., Somerleyton Hall, Suffolk; W. Hawkins, Accountant, Great George-street, Westminster; A. J. Cresswell, Norwich Bank, Norwich. Sol. Swift, Wagstaff, & Binkinson, 32, Great George-street, Westminster.

JONES, JOHN, & JOHN EVANS, Out-fitters, Bilston, Staffordshire (Jones & Evans). Aug. 23. Trustee, W. Hathway, Warehouseman, Bristol; M. Jones, Warehouseman, Bristol. Sol. Wood, Bristol.

KENT, JOHN, Brewer, Innkeeper, & Farmer, Abingdon, Berks. Sept. 12. Trustee, W. Ballard, Wine Merchant, Abingdon; T. B. Trendell, Gent., Abingdon. Sol. Bartlett, Abingdon.

RITCHIE, GEORGE, Grocer & Tea Dealer, Newcastle-upon-Tyne. Sept. 10. Trustee, E. Wood, Merchant, Newcastle-upon-Tyne; R. Turnbull, Agent, Newcastle-upon-Tyne. Sol. Storey, 16, Market-street, Newcastle-upon-Tyne.

Bankrupts.

TUESDAY, Sept. 18, 1860.

BLANCH, JOSEPH EDWARD, Ship Broker, Liverpool. Com. Perry: Oct. 1 & 22, at 11; Liverpool. Off. Ass. Casanova. Sol. Woodburn & Pemberton, York-buildings, Dale-street, Liverpool. Pet. Sept. 13.

BROOKE, GEORGE, Ironmonger & Cabinet Maker, Newport, Salop. Com. Sanders: Oct. 1 & 26, at 11; Birmingham. Off. Ass. Whitmore. Sol. Walters & Balden, Birmingham. Pet. Sept. 6.

HICKMAN, GEORGE HADEN, & ALFRED HICKMAN, Iron Manufacturers & Iron Dealers, Bilston, Staffordshire. Com. Sanders: Oct. 19, and Nov. 2, at 11; Birmingham. Off. Ass. Whitmore. Sol. E. & H. Wright, Waterloo-street, Birmingham. Pet. Sept. 17.

HUNTINGTON, GEORGE, Boot & Shoe Maker, 31, Great Suffolk-street, Borough, Surrey. Com. Goulburn: Oct. 1 & 29, at 12.30; Basinghall-street. *Off. Ass. Pennell. Sols. Harrison & Lewis, 6, Old Jewry, London. Pat. Sept. 13.*

LUCKEUCK, SATINE, Livery-stable Keeper and Cab Proprietor, White Horse-road, Liverpool-road, Islington, Middlesex. Com. Evans: Oct. 2, at 2; Oct. 30, at 12; Basinghall-street. *Off. Ass. Bell. Sol. Solomon, 22, Finsbury-place. Pat. Sept. 17.*

MOOS, JERGENS, Ship Broker, Swansea, Glamorganshire. Com. Hill: Oct. 1 & 22, at 11; Bristol. *Off. Ass. Acraman. Sols. Waldron, Cardiff, or Bevan, Gilling, & Press, Small-street, Bristol. Pat. Sept. 14.*

NICHOLSON, JOHN, Currier & Leather Dealer, Liverpool. Com. Perry: Oct. 1 & 22, at 11; Liverpool. *Off. Ass. Turner. Sol. Tyner, Liverpool. Pat. Sept. 17.*

PICKFORD, WILLIAM, Merchant & Dealer in Artificial Manures, 157, Fenchurch-street, London (William Pickford & Co.) Com. Evans: Oct. 2, at 11, & Oct. 30, at 1; Basinghall-street. *Off. Ass. Bell. Sols. Marten, Thomas, & Hollams, Commercial-chambers, Mincing-lane. Pat. Sept. 17.*

PITCHER, THOMAS, Trunk and Packing-case Maker & Builder, 1, Raven-row, and South-street, Whitechapel-road, Middlesex. Com. Goulburn: Oct. 1, at 1, & Nov. 5, at 11; Basinghall-street. *Off. Ass. Pennell. Sols. Lewis & Sons, 7, Wilmington-square. Pat. Sept. 14.*

READING, WILLIAM, Coach Builder, Mortimer-street, Cavendish-square, Middlesex. Com. Goulburn: Oct. 1, at 1.30, & Nov. 5, at 12.30; Basinghall-street. *Off. Ass. Pennell. Sol. King, 25, College-hill, London. Pat. Sept. 15.*

TAIT, WILLIAM, Jeweller, Watchmaker, & Silversmith, Nottingham. Com. Sanders: Oct. 4 & 23, at 11; Nottingham. *Off. Ass. Harris. Sols. Cowley & Everall, Nottingham. Pat. Sept. 15.*

WALKER, EDWARD CLARKE, Annatto and Blue Manufacturer, Drug Grinder, Dry Salter, & Commission Agent, Brewhouse-yard, St. John-street, Clerkenwell, Middlesex, lately trading in co-partnership with James Kelita Hard at the same place, and at No. 148, Fenchurch-street, London. Com. Evans: Sept. 29, at 11, & Nov. 1, at 12; Basinghall-street. *Off. Ass. Johnson. Sols. Linklaters & Hackwood, Wallbrook, or Lofy, Potter, & Son, King-street, Cheapside. Pat. Sept. 17.*

WATSON, EDWARD MORRIS, Linen Draper, 72, Tottenham-court-road, Middlesex. Com. Fane: Oct. 1, at 2, & Oct. 26, at 1.30; Basinghall-street. *Off. Ass. Whitmore. Sols. Parker & Lee, 18, St. Paul's-church-yard. Pat. Sept. 13.*

FRIDAY, Sept. 21, 1860.

DICKINSON, JOHN GLADWIN, & JOSEPH AUCHTERLONIE CREIGHTON, Collar & Shirt Manufacturers, 39, Aldermanbury, London (Dickinson & Creighton). Com. Evans: Oct. 4, at 2; and Nov. 1, at 1; Basinghall-street. *Off. Ass. Johnson. Sols. Sol. Turner, & Turner, Aldermanbury. Pat. Sept. 18.*

DUNN, THOMAS PLUMMER, Woollen Flock & Waste Dealer, Woodchester, Gloucestershire, and of Maesteg, Glamorganshire, Iron Master and General-shop Keeper. Com. Hill: Oct. 8, and Nov. 12, at 11; Bristol. *Off. Ass. Acraman. Sol. Winterbotham, Stroud, Gloucestershire. Pat. Sept. 20.*

EMMAN, GEORGE, Woollen Draper, 27, Upper-street, Islington, Middlesex. Com. Fombiaque: Oct. 4, at 12.30; and Oct. 31, at 1; Basinghall-street. *Off. Ass. Stansfeld. Sol. Reed, 1, Guildhall-chambers, City, London. Pat. Sept. 21.*

FABSTON, WILLIAM ANTONY, Iron Master & General Shop-keeper, Maesteg, Glamorganshire, and of Stroud, Gloucestershire, Attorney-at-Law. Com. Hill: Oct. 2, and Nov. 6, at 11; Bristol. *Off. Ass. Miller. Sols. Abbott, Lucas, & Leonard, Bristol. Pat. Sept. 15.*

HARDY, JAMES KELITA, Annatto & Blue Manufacturer, Drug Grinder, & Grinder of Black Leads, & General Agent, 148, Fenchurch-street, London. Com. Evans: Oct. 1, at 2; and Nov. 6, at 12; Basinghall-street. *Off. Ass. Bell. Sols. Mason, Sturt, & Mason, 7, Gresham-street, London. Pat. Sept. 20.*

HARDWICK, JOSEPH, Tailor, 50, Strand, Middlesex (Hardwick & Wicks). Com. Evans: Oct. 4, at 11, & Nov. 1, at 2; Basinghall-street. *Off. Ass. Johnson. Sol. King, 25, College Hill. Pat. Sept. 19.*

HANGREAVES, WILLIAM, & WILLIAM SLATER, Whitesmiths, Bradford, Com. West: Oct. 5 & 26, at 11; Leeds. *Off. Ass. Young. Sols. Lees, Bradford; Bond & Barwick, Leeds. Pat. Sept. 17.*

HARRIS, GEORGE, Tailor, Woking, Surrey. Com. Evans: Oct. 4, at 2.30; and Nov. 6, at 11; Basinghall-street. *Off. Ass. Johnson. Sol. Underwood, 80, Chancery-lane. Pat. Sept. 17.*

MOULTON, GEORGE CARING, Dealer in India Rubber and other Goods, 4, Gresham-street, London, late of 24, Brunswick-square, Bloomsbury, Middlesex. Com. Goulburn: Oct. 4, at 1; and Nov. 5, at 2; Basinghall-street. *Off. Ass. Pennell. Sols. Spyer & Son, 30, Broad-street-buildings, City. Pat. Sept. 10.*

PICKLES, THOMAS BAGWELL, Hackney Coach & Cab Proprietor & Horse Dealer, 20, Great York-mews, Baker-street, Portman-square, Middlesex. Com. Evans: Oct. 4, at 12; and Nov. 8, at 1; Basinghall-street. *Off. Ass. Johnson. Sols. Willoughby, Cox, & Lord, Clifford's-inn. Pat. Sept. 18.*

SHERLEY, JAMES, Boot & Shoe Maker, Portsea. Com. Evans: Oct. 6, at 11; and Nov. 8, at 2; Basinghall-street. *Off. Ass. Bell. Sols. Low, 63, Chancery-lane; or Low, Portsea. Pat. Sept. 21.*

USHERWOOD, CHARLES, Grocer, 1, James-street, Covent-garden; 174, Drury-lane; and 44, Long-acre, Middlesex. Com. Evans: Oct. 4, at 11.30; and Nov. 8, at 12; Basinghall-street. *Off. Ass. Bell. Sols. Linklaters & Hackwood, Wallbrook. Pat. Sept. 18.*

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, Sept. 18, 1860.

CRAVE, THOMAS, Common Brewer, Kegworth, Leicestershire. Oct. 2, at 11, Nottingham.—DAVIES, ROBERT, Keeper of an Inn & Keeper of a Tavern, & Victualler, White Horse Inn & Tavern, and Mynydd Farm, Mochdre, Llandrillo-yu-rhos, Denbighshire. Oct. 11, at 11; Liverpool.

FRIDAY, Aug. 21, 1860.

APPLEYARD, FREDERICK, Tanner & Currier, Bradford, Yorkshire. Nov. 5, at 11; Leeds.—AULTON, SOPHIA ANNE, Smallware Dealer, Nottingham. Oct. 18, at 11; Nottingham.—BOKAN, ALFRED BRADLEY, Wine Merchant, 14, Southampton-street, Strand, Middlesex. Oct. 12, at 1; Basinghall-street.—CROFTS, WILLIAM, Coffee House & Hotel Keeper, 212, Strand, Middlesex. Oct. 15, at 11; Basinghall-street.—FENGUSON, WILLIAM, Bookseller & Publisher, 11, Paternoster-row,

and New-court, Middle Temple, London. Oct. 12, at 1.30; Basinghall-street.—HERDIN, WILLIAM, Leeds, ARTHUR OATES HERDIN, Parliament-street, Westminster, Middlesex, and JOHN BROWN, Sen, Merchants, Leeds. Oct. 12, at 11; Leeds. Separate estate and effects of Arthur Oates Herdin. HESSETT, JAMES, Hotel Keeper & Postmaster, Norwich. Oct. 12, at 12.30; Basinghall-street.—HUBBARD, GEORGE STONE, Warehouseman, 55, Aldermanbury, London (G. S. Hubbard & Co.) Oct. 12, at 11; Basinghall-street.—JACOBSON, ALEXANDER, Dealer in Watches & Jewellery, 31, Tyose-street, Clerkenwell, Middlesex. Oct. 12, at 1; Basinghall-street.—PERIGAL, GEORGE, & CHARLES BRADY, Wine Merchants, 2, Clement's-lane, Lombard-street, City. Oct. 12, at 11; Basinghall-street.—REVITT, WILLIAM, Razor & Cutlery Manufacturer, Sheffield, Oct. 13, at 10; Sheffield.—ROSE, ISAAC, Jeweller & Salesman, 45, Tooley-street, Southwark, Surrey. Oct. 12, at 11.30; Basinghall-street.—WOODRUFF, HENRY EATON, Lace Manufacturer & Commission Agent, Nottingham. Oct. 18, at 11; Nottingham.

CERTIFICATES.

To be ALLOWED, unless Notice be given, and Cases shown on Day of Meeting.

TUESDAY, Sept. 18, 1860.

BALLARD, HENRY PRATT, & SAMUEL NEWSOME, Ribbon Manufacturers, Coventry. Nov. 1, at 11; Birmingham.—CHILTON, JAMES, Shoe Manufacturer & Beerhouse Keeper, Stone, Staffordshire. Nov. 2, at 11; Birmingham.—COATES, THOMAS, Linen Draper, 35, Bridge-road, Lambeth, Surrey. Oct. 11, at 1; Basinghall-street.—INGRAM, THOMAS LEWIS, Merchant, 54, Lupus-street, Pimlico, Middlesex. Oct. 11, at 12; Basinghall-street.—LAWSON, JOSEPH, Ship & Insurance Broker, 166, Fenchurch-street, London. Oct. 9, at 2; Basinghall-street.—PORTER, HENRY, & SAMUEL JAMES JOHN HIND, Builders, Sutton, Surrey. Oct. 11, at 11; Basinghall-street.—POUNTNEY, THOMAS ELVINS, Licensed Victualler, Bromsgrove, Worcestershire. Nov. 2, at 11; Birmingham.—WILLIAM, WILLIAM, Linen Draper, St. James's, Barton, Bristol. Oct. 16, at 11; Bristol.—WRIGHT, ELIZABETH, Lodging-house Keeper, Higher Broughton, Manchester. Oct. 9, at 12; Manchester.

FRIDAY, Sept. 21, 1860.

APPLEYARD, FREDERICK, Tanner & Currier, Bradford, Yorkshire. Nov. 5, at 11; Leeds.—BARTY, JOHN GOODALL, Grocer & Draper, Hornchurch, Essex. Oct. 12, at 11; Basinghall-street.—GIBSON, WILLIAM GOODALL, Tanner, Godalming, Surrey. Oct. 12, at 11; Basinghall-street.—KAY, WILLIAM, Grocer & Draper, Clayton West, High Holyard, Yorkshire. Nov. 5, at 11; Leeds.—TEALE, JOHN RICHARD, Cabinet Maker & Upholsterer, Leeds. Nov. 5, at 11; Leeds.—WRIGHT, THOMAS EDWARD, Grocer & Oilman, 4 & 5, Belmont-place, Wandsworth-road, Surrey. Oct. 12, at 1; Basinghall-street.

To be DELIVERED, unless APPEAL be duly entered.

TUESDAY, Sept. 18, 1860.

JAMES, BENJAMIN, Cuttler & Shoemaker, Brierley-hill, Staffordshire. Sep. 13, 3rd. class, after a suspension of three months.—PAGEY, JOHN, Licensed Victualler, Brierley-hill, Staffordshire. Sep. 13, 3rd. class.

FRIDAY, Sept. 21, 1860.

BOUND, WILLIAM, JUN., Corn & Seed Merchant, Tything of Harworth, Poole, and Paradise-street, Poole. Sep. 17, 1st. class.—BOYCE, CHARLES FRANK, Livery Stable Keeper, Epsom, Surrey. Sep. 17, 2nd. class.

Scotch Sequestrations.

TUESDAY, Sept. 18, 1860.

COMBIE, JOHN, Mason & Builder, Kilsyth. Sep. 24, at 2; Hall of the Faculty of procurators, at Glasgow. Sep. 24. GORDON, REV. GEORGE, Minister of the Gospel & Farmer, Glenrimes, Morlich, Banff. Sep. 28, at 12; Gordon Arms Hotel, Keith. Sep. 28. GORDON, ROBERT, Farmer, Mains, Rhynie, Aberdeen. Sep. 25, at 11; Gordon Arms Inn, Huntly. Sep. 24. HAMILTON, JOHN, Baker & Grocer, Kilsyth. Sep. 29, at 11; Black Ball Hotel, Kilmarnock. Sep. 13. M'LEOD, ROBERT, Jeweller & Hardware Merchant, Argyle street, Glasgow. Sep. 25, at 12; Crow Hotel, George-square, Glasgow. Sep. 15.

TUESDAY, Sept. 21, 1860.

CLERIHUE, JAMES, and DAVID CUTBERT DONALDSON, Boot & Shoe Maker, Banchory Ternon and of (Clerihue & Donaldson). Oct. 1, at 1; Melvin's Hotel, Railway Station, Stonehaven. Sep. 19. CONNINGHAM, ROBERT, Smith & Spirit Dealer, Hamilton, Lanark. Sep. 28, at 12; Hamilton Arms Inn (Arkie's), Hamilton. Sep. 17. ALLAN, JAMES, Merchant, 3, Royal Exchange-court, Glasgow. Sep. 26, at 12; Faculty Hall, St. George's-place, Glasgow. Sep. 17.

EQUITABLE REVERSIONARY INTEREST SOCIETY, 10, Lancaster-place, Strand.—Persons desirous of disposing of Reversionary Property, Life Interests, and Life Policies of Assurance, may do so at this Office to any extent, and for the full value, without the delay, expense, and uncertainty of an Auction.

Forms of Proposal may be obtained at the Office, and of Mr. Hardy, the Actuary of the Society, London Assurance Corporation, 7, Royal Exchange.

JOHN CLAYTON, } Joint Secretaries.
F. S. CLAYTON, }

IMPORTANT TO SOLICITORS AND MEN OF BUSINESS.

THE LIFE ASSOCIATION OF SCOTLAND (FOUNDED 1838), is now issuing Life Assurance Policies, free of restrictions and conditions—not liable to any charge for Extra Premiums—and virtually non-forfeitable and unquestionable. The Policy-holders can also withdraw a fixed proportion of their payments either as a loan or for the surrender of the policies. Explanatory Pamphlets of this new system will be furnished on application.

A medical officer in attendance daily at half-past 12 o'clock.

LONDON, 20, KING WILLIAM-STREET (CITY), E.C.

THOS. FRASER, Res. Secy.

We cannot notice any communication unless accompanied by the name and address of the writer.

* Any error or delay occurring in the transmission of this Journal should be immediately communicated to the Publisher

LAW OF ATTORNEYS — LIEN ON PROPERTY FOR COSTS. —

In the analysis of the new statute in our last number, the provision enabling the courts to charge the property recovered "through the instrumentality of the attorney" with his costs, was by mistake referred to as section 22 instead of 28 (p. 881, second column).

THE SOLICITORS' JOURNAL.

LONDON, SEPTEMBER 29, 1860.

CURRENT TOPICS.

The Social Science Conference met at Glasgow on Monday last, when the proceedings were opened by Lord Brougham, who delivered an inaugural address of great ability, in which he took a retrospective view of the progress of social science, and referred to several subjects of importance for discussion during the sitting of the Conference. On the following day the Lord Advocate of Scotland, the President of the Department of Jurisprudence, commenced the business of that section by an address, in which, after some introductory remarks in reference to the principles upon which we should seek for the reformation and improvement of the law in respect of its relation to social science, he referred to the subject of the consolidation and codification of the statute law, and the difficulties in the way of doing the work satisfactorily. His lordship then addressed himself to the question of the assimilation of the laws of England and Scotland, which he deemed to be impracticable, because it would be made "without any regard to the associations and traditions of a people jealous of their national integrity, and without estimating the necessary although tacit part which these bear in the operation of any system of law." The address also touched upon other important topics, amongst them the law of bankruptcy, the necessity of having a minister of justice or public prosecutor, the transfer of land, international law, and the general administration of the law. The subjects treated by his lordship are of so much importance that the full report of his address, which will be found elsewhere in our columns, will be read with interest by the members of the profession.

The Solicitors' Benevolent Association will hold their fifth half-yearly provincial general meeting in the New Town Hall Buildings, Newcastle-upon-Tyne, on Wednesday, the 10th day of October next, during the sittings of the Metropolitan and Provincial Law Association. In calling the attention of our readers to this valuable institution, we have great pleasure in being enabled to state that the progress of the association is satisfactory. The recent abrogation of the "entrance fee" has removed an objectionable feature in the constitution of the society, and has already been attended with success. During the present half-year the association has received a considerable accession of new members. The Wiltshire Law Society has presented the association with the sum of £50; and we sincerely hope that other law societies may feel disposed to emulate so generous and liberal an example. The association at present numbers 897 members, 613 of whom are provincial members, and 284 are metropolitan. The total invested capital of the association is £4,077 11s. 3d. Although the society is thus progressing, we are sorry to say that its funds are still insufficient to justify the directors in carrying out the

No. 196.

purposes of the association. Those gentlemen are of opinion, that until the invested capital has amounted to the sum of £10,000 at least, its benevolent functions should not be exercised—a single guinea subscribed by each member of the profession who is not already a subscriber would, we are informed, at once place the directors in this position, and enable them to carry out the intentions of the association. We would, therefore, recommend the society to the favourable consideration of the profession, in the earnest hope that the exercise of that charitable and liberal feeling which has ever characterised it will shortly place this valuable and meritorious society upon a permanent footing, so that the designs and intentions of its founders may be carried out to the fullest extent.

THE ACT TO GIVE TO TRUSTEES, MORTGAGEES, AND OTHERS, CERTAIN POWERS NOW COMMONLY INSERTED IN SETTLEMENTS, MORTGAGES, AND WILLS (23 & 24 VICT. c. 145).

Our readers may remember that in an earlier part of the current volume (*ante*, p. 486), we inserted some comments on an important measure of conveyancing reform which had been introduced into the House of Lords by Lord Cranworth. The Bill in question has met with a fate more favourable than that of several more pretentious measures. During its passage through Parliament, it has undergone many alterations and some improvements; and having successfully weathered the dangerous storms and still more treacherous calms in which so many projected reforms have foundered during the last session, it has eventually become law, and will in future be known by the title which we have printed at the head of these lines. We propose on the present occasion to examine its provisions *seriatim*, for the purpose of ascertaining their probable effect on conveyancing practice, an effect which we must premise by saying is expressly confined to instruments executed, confirmed, or revived after the 28th of August, 1860 (sect. 34).

The first ten sections relate to trustees for sale, &c., and trustees of renewable leaseholds. It is provided that powers of sale may be exercised by selling together or in lots, by auction or private contract, at one or several times, subject or not to special conditions. And the donees of a power may buy in, or vary contracts, and resell, without liability for loss (sects. 1, 2).

Little discussion is likely to arise on these sections. The authorities they confer (except perhaps that of buying in, *Taylor v. Tabrum*, 6 Sim. 281), have usually been considered to be incidental to the position of persons selling under a power. Donees of a power to exchange are also authorised, by sect. 1, to give or receive equality-money; and purchasers are exempted by sect. 2, from inquiring whether any particular reinvestment in land is in contemplation—two provisions which are, perhaps, hardly necessary (see as to the first 2 *Sug. Pow.* 482).

The third section authorises the donees of a power of sale or exchange to make conveyances, and will, we think, be the subject of a good deal of discussion before its exact operation is ascertained. It will, probably, not authorise the conveyance of outstanding legal estates (see sect. 33).

The next four sections (4, 5, 6, 7) direct the investment of sale-moneys in hereditaments to be settled to the same uses as those sold, or in payment of incumbrances, or, in the meantime, at interest. Leaseholds are not to vest absolutely in any tenant in tail by purchase who does not attain twenty-one. But the Act does not say what is to happen to them in the event of the death of any such tenant in tail under age. We presume, however, that in such a case it would be held

by implication that they devolved along with the freeholds.

The eighth section relates to the duty of trustees of renewable leaseholds, but does not remove the existing doubts whether such trustees are bound to renew in the absence of special directions (*Montfort v. Cadogan*, 17 Ves. 488; *Lewin*, 385). In fact, it may be plausibly argued that, whatever be the existing law on the subject, such trustees will not in future be liable for not renewing unless directed or required to do so, for the Act expressly gives a *discretionary* power of renewing, imposing a *duty* of renewing only in cases where trustees are thereunto required by the beneficiaries. It remains to be seen whether the Court of Chancery will adopt this section as an authoritative exposition of the proper rules of equity on this subject.

The ninth section authorises the raising of money by mortgage for equality of exchange and for renewal. And the tenth makes the consent of the tenant for life (if not under disability) necessary to sales, exchanges, or purchases.

The second part of the Act (sections 11—24) relates to the powers of mortgagees, and will, we think, be found more generally useful than the sections which we have already discussed. It is provided that mortgagees, after the expiration of one year from the time limited for payment of principal money, or after interest shall have been in arrear for six months, or an insurance premium shall not have been duly paid, shall have, as of course, a power of sale, a power of insuring against fire, and a power of appointing or obtaining the appointment of a receiver (who is to be the agent of the mortgagor, sect. 18). There are proper provisions for protecting Purchasers from any irregularity in the exercise of the power of sale, and for the application of the purchase monies (sects. 12—14). And we are glad to see that several inaccuracies in this part of the Bill to which we called attention in our former remarks, have been remedied in the measure as now before us. With respect to Receivers, it is provided that a Mortgagee may call upon a Mortgagor to appoint one, and in default of appointment may nominate one himself; the Receiver is to be the agent of the Mortgagor, to be removable by a similar process to that employed in appointing him, to be paid by a commission not exceeding 5 per cent., and to receive and apply the rents of the mortgaged property, after payment of outgoings in keeping down the interest of the mortgage money (sects. 17—23). These provisions will, we think, be very useful. It is not very usual at the present time to insert special provisions as to the appointment of a receiver in any mortgage deeds except those relating to large transactions; but the occasions are many in which the existence of such an agent would prevent unnecessary irregularity in the payment of interest. The sections in fact give to future mortgagees most of the advantage enjoyed by a mortgagee in possession, with none of the risk attending that very unpleasant position; and they inflict no hardship on mortgagors, who will always be able to prevent their operation by paying their interest regularly, and will have the power of choosing their own receivers if they choose to exercise it.

The next section of the Act (25) authorises trustees to invest trust funds in any of the Parliamentary stocks or public funds, or in Government securities—a provision probably intended to remove the doubt thrown by *Hancock v. Allen* (2 Dick. 498), on the power of trustees to invest in any stock except consols. And the twenty-sixth section authorises the maintenance of infants out of the income of legacies to which they may be only contingently entitled. This provision rather extends the existing rules of equity, which will be found well stated in 2 *Spence, Eq. Jur.* 185. A similar power has

been hitherto usually inserted in well drawn instruments.

The next two sections (27, 28), contain a general power of appointing new trustees *without* application to the Court of Chancery, and follow the form of the usual power for this purpose. They do not, however, provide, as well drawn powers do, for the cases of a trustee residing abroad or of two trustees retiring simultaneously, or of there being two sets of trustees of the same instrument, or of its being desirable to augment or reduce the number of trustees. It is provided that any new trustees appointed under the Act, "and also every trustee appointed by the Court of Chancery either before or after the passing of this Act," shall have the same powers, &c., as if he had been originally nominated a trustee. This will settle the question raised in *Newman v. Warner* (1 Sim. N. S. 457) and other cases, as to the powers of new trustees appointed by the Court of Chancery (see *Morgan's Chancery Acts*, 102).

The twenty-ninth section contains the much required general power for all trustees to give effectual receipts, and the next section authorises executors to compound claims, &c.—a power which, we think, might have been advantageously extended to administrators and trustees. The only important section to which we have not already called attention is the thirty-second, which declares that the powers given by the Act may be negated by express declaration, and when not so negated, are to take effect only subject to the special provisions of each settlement.

An eminent conveyancer is said to have expressed his conviction that in all future instruments there would be introduced a clause providing that none of the powers conferred by the statute on whose provisions we have been commenting should be exercisable by any of the parties thereto. We think, however, that the censure implied by this remark is too severe. It is true that many sections of the statute are very loosely and inaccurately drawn, and it is much to be regretted that the Bill was not (as we suggested on a former occasion) revised by a mind more conversant with the daily practice of the profession than has apparently been employed upon it. Had this been done, a measure would probably have been produced upon which practitioners might have placed reliance, instead of one like the present, whose provisions we can hardly advise them to adopt until judicial construction shall have imposed an authoritative construction on phraseology now too often ambiguous. The provisions of the Act, however, may be expected to facilitate sales and other transactions under badly drawn deeds, which it is now often very difficult or impossible to carry out. And in smaller matters, in which it is a great object to save immediate expense, it is probable that the parties may in future desire to have some of the usual powers omitted in their deeds, and content themselves with the remedies and authorities given by this Act. The principle of the measure, however, is, we continue to think, right, however much there may be to desire in the way in which it has been embodied in words. The powers which the Act confers on trustees and mortgagees are those which practitioners are in the habit of bestowing as a matter of course on persons filling those capacities. And we are unable to perceive any reason why they should not be made legal incidents of the offices in question, instead of being on every occasion given by particular words. The task, however, of altering by statute established rules of law which are of daily application in practice, is one of extreme delicacy, in which men of the greatest eminence have met with a very limited measure of success; and we are afraid that the Act now before us will not signalise Lord Cranworth as a very brilliant exception to their number.

THE NATIONAL ASSOCIATION FOR THE PROMOTION OF SOCIAL SCIENCE.

The annual meeting of this association was held on Monday last at Glasgow, when Lord Brougham delivered an inaugural address. On the following day (Tuesday) his lordship again took the chair, when the proceedings commenced with an address by the Lord Advocate as President of the first or Jurisprudence department.

JURISPRUDENCE.

THE LORD ADVOCATE.—After the very comprehensive view of the duties and objects of this association which was delivered last night by your noble President, I shall proceed to fulfil the duty imposed upon me by the kindness of the committee in asking me to preside over the section devoted to jurisprudence, by a few introductory remarks, confined entirely to the proper business of that section, and devoted to elucidating shortly, the principles upon which we should seek for the reformation and improvement of the law in respect of its relation to social science, and some of the more salient and important topics which may probably fall under our attention in the course of our deliberations. We are to consider in this section law as a branch of social science—that is, in its immediate practical relation to common life. In one sense, it is nothing but a department, or rather the embodiment, of social science, inasmuch as it is the mainspring of all social movements and relations. But the science of jurisprudence, in its more specific acceptation, is apart from its social results. It deals with what is, not with what ought to be; and tendency of the study is rather to shut out than to enlarge the contemplation of its practical effects. It is, indeed, a science of the highest order, tasking the intellectual powers by demands on them for all the qualities combined which the exact and the more general sciences require—the grasp of generalisation which is essential to mental philosophy, with the careful analysis or indication characteristic of mathematical inquiry. But it is not in its scientific character that we are to deal with jurisprudence in our meetings here. We are to try this great science by its existing results as compared with existing necessities, to see how far this great machine corresponds in its effects with the great object for which alone it was created. But it is impossible to deny the great benefit which must ensue from bringing in contact, not only the legal professors of different systems, but the trained and experienced lawyer, with the opinions and interests of those for whom laws are made, and who profit or suffer by them. Lord Bacon says, in his Essay on the Advancement of Learning:—"All those who have written of laws have written either as philosophers or as lawyers, none as statesmen. As for the philosophers, they make imaginary laws for imaginary commonwealths, and their discourses are as the stars which give little light because they are so high. For the lawyers, they write according to the States where they live, what is received as law, and not what ought to be law; for the wisdom of a lawmaker is one, and of a lawyer is another." Jeremy Bentham, in his Treatise on Legislation, treats the lawyers with still more suspicion. He says,—"When a religion falls, its ministers fall with it. Everything which diminishes respect for the idol enfeebles that felt for those who sacrifice to it; so the voice of all jurists is raised in concert to celebrate an established system, and the people, misled by their unanimity, do not stop to discover the self interest which produces it." It is impossible to deny the justice of this sentiment. The jurist deals with men as with the pieces on a chess board: the debtor and the creditor, the man with security and the man without, the grasping landlord or the refractory tenant, are so many *dramatis personæ* who are to play their part and be removed, according to the most approved rules of the art. But in the intellectual absorption of the struggle, the flesh and blood of the matter is necessarily forgotten. The unlucky suitor, who has dropped a link in his title, and has become the unwilling hero of a leading case, is looked upon with a malignant triumph as a traitor to the first principles of conveyancing. The law has retained its purity. The judgment has established the foundations of the science against his attempt, and the lawyer rears with pride to the decision: No thought all the while for the litigant, who paid his money and lost his property. No question how it came about that he could not tell how to take his title until instructed by a lawsuit, and canonised in the reports of Shaw and Dunlop. No reflection that, although the judgment was approved by the soundest jurists of the day, it has produced to the parties immediately concerned nothing but injustice. Such is the inevitable tendency of the exclusive pursuit of any science; but in the study of the law and the

practice of it, which entails such stern demands on a life's erection, it is inevitable. Men acquire a kind of personal attachment to the implements with which they work, and it costs them a pang to see destroyed, by a sudden and innovating hand, the weapons which it has cost them such toil to find, and such labour to learn to use. Of course, this criticism, or rather confession, of the necessary tendency of legal training, is only comparative. I need not, in this presence, tell you that a great lawyer may rise above the trammels of his art and combine the grasp of the philosopher with the knowledge of the jurist, and superadd to both the practical sagacity of the statesman. Still less am I disposed to encourage socialist or empirical innovation, springing generally out of specific cases, and propounded in ignorance of the system to which it is proposed to apply them. If high scientific acquirements in jurisprudence have a tendency to produce too exclusive devotion to things as they are, it does not by any means follow that enlarged views and wholesome change are only to be looked for as the companions of ignorance. Still, in our prosecution of the objects of the department over which you have asked me to preside, we must be content to throw behind us the professional fetters of our training. In our meetings here we have all the elements Lord Bacon enunciates, and one he did not recognise. We have the lawyers, the philosophers, the statesmen, and, in addition to all, in this great emporium of the transactions of life, where men and money come and go with such startling rapidity, we have the presence, the co-operation, and the practical wisdom of those who are trained in the lessons of daily business, and who form their opinions of what laws ought to be from their recurring experience of what they are. I therefore come to consider in what spirit and on what principles the social results of our system of law are to be canvassed and reformed. I shall start with a caution on the other side. If the jurist be too apt to hug the chains of his science, and magnify the importance of time-honoured forms and axioms, the unskilled reformer has also perils of his own; and, among the chief, is the danger of unsettling much in order to rectify a little. The legal system of a country like ours, in which the laws have not been dictated by a Justinian or a Napoleon, but have been made by the people for their own use, is a plant of slow and gradual growth, spreading its tendrils widely, and striking its roots deeply around and throughout the whole social economy of the community; just as our system of civil liberty and Parliamentary government subsists and flourishes by a secret spell, the fruit of gradual accommodation to the habits and associations of the people, notwithstanding many anomalies and theoretical contradictions, so it is with our laws. The law which is most imperfect in theory may be most useful in practice—or may, through length of time or repeated judicial consideration, have become, while retaining its outward form, animated by a spirit never contemplated by its authors. We shall be merely shallow innovators, and underserving the name of reformers, if we neglect this unseen but potent element—that which, in truth, is the very life-blood of a nation's prosperity. For experience tells us every day that it is not by laws which are written in a statute-book, nor by constitutions proclaimed in public, that nations flourish or are free. Freedom and laws are the products of time as well as of patriotism and wisdom; and must be accommodated not only to the abstract rules of justice, but to the habits and tendencies of those who are to receive them. It might, I believe, be said of our law, as was said of political constitution, that if the whole fabric were swept away at once, and the greatest wisdom which the land could furnish were to devise a new system, they would not produce anything which would be comparable to that which they had destroyed. I may here remark, that the element of which I speak is one of which the legal reformer cannot avail himself. What he does in the way of change, must be done by specific enactments. He cannot provide for the effect which his new law may have, when a century of application and decision has passed over its head. Lord Bacon felt this so strongly, that in a sketch which he entitled "A Proposal for Amending the Laws of England," he has hardly courage to propose proceeding by Act of Parliament. He says:—"It is objected that labour were better bestowed in bringing the common laws of England to a text law, as the statutes are, and setting both of them down in method and by titles." To which he replies:—"It is too long a business to debate whether *lex scripta, aut non scripta*, a text law, or customs well registered, with received and approved grounds and maxims, and Acts and resolutions judicial, from time to time duly entered and reported, be the better form of declaring and authorising laws. It was the principal reason or oracle of Lycurgus that none of his laws should be written. Customs

are laws written in living tables, and some traditions the Church doth not disauthorise. In all sciences they are the soundest that keep close to particulars; and, sure I am, there are more doubts that rise upon our statutes, which are a text law, than upon the common law, which is no text law. But howsoever that question be determined, I dare not advise to cast the law into a new mould. The work which I propound tendeth to pruning and grafting the law, and not to ploughing up and pruning it again; for such a remove I should hold indeed for a perilous innovation." Yet Lord Bacon in this, and some other of his fragments on the same subject, shows himself to have had large and enlightened views on the subject of legal reform, and was not unprepared to have proceeded boldly enough in the direction of repeal. Lord Stair, a name not unworthy to be placed alongside that of Bacon in respect of power and learning, but who does not disclose the same tendencies in favour of freedom, thus treats the same subject in strong and serious language. He says:—"Yea, and the nations are more happy whose laws have entered by long custom, wrung out from their debates upon particular cases, until it came to the consistence of a fixed and known custom; for thereby the convenience and inconveniences thereof, through a tract of time, are experimentally seen: so that which is found in some cases convenient, if in other cases afterwards it be found inconvenient, it proves abortive in the womb of time before it attain the maturity of a law. But in statutes the lawgiver must at once balance the conveniences and inconveniences, wherein he may and often doth fall short; and there do arise *casus incogitati*, wherein the statute is out, and then recourse must be had to equity. But those statutes are best which are approbatory or correctory of experienced customs; and in customary law, though the people run some hazard at first of their judges' arbitrement, yet, when that law is come to a full consistence, they have by much the advantage in this, that what custom hath changed is thrown away and obliterated without memory or mention of it; but in statutory written law the vestiges of all the alterations remain, and ordinarily increase to such a mass that they cease to be evidences and securities to the people, and become labyrinths wherein they are fair to lose their rights, if not themselves; at least they must have an implicit faith in those who cannot comprehend them without making it the work of their whole life." There is not wanting in these sentences a tinge of the predilection for the arbitrary power of courts, which was characteristic of our Scottish system for many years afterwards. But in both there is much truth; and herein lies the great difficulty, in England especially, of dealing with the great mass of the statute law.

CODIFICATION OF THE STATUTES.

There would be no great difficulty in expurgating the Statute Book of laws wholly repealed; but the next step is surrounded by obstacles. The re-enactment of statutes partially repealed, and the consolidation of laws relating to the same subject, bring the legal reformer at once into contact with that unwritten law which has sprung from the stem of the statute, and has been engrafted on it by judicial decision. This difficulty has always appeared to me so great, that I am rather inclined to think that either more or less should be attempted; and that if we are ambitious of more than publishing a compendious edition of the statutes, embracing those in ordinary use, it will be found impossible to effect any very material improvement short of codification in some branches of the law. It is worthy of consideration whether in the more important branches of the law codification should not supplement the attempt to consolidate. It would be presumptuous in me to do more than offer a suggestion on this important subject, in so far as it relates to the sister kingdom. But looking to the enormous and heterogeneous mass of statute law under which the jurisprudence of England lies, and through which the precious ears of grain are to be searched, it would seem a task more likely to succeed to sweep away much that exists, and supply its place, not by new words, professing to repeat old provisions, but by clear and specific codification. With us the case is different; the statute law of England was the bulwark and protection of her liberties. If, in Scotland's earlier history, we could not boast of similar protection, on the other hand our statute book is not similarly encumbered; unlike those of England, a Scottish Act of Parliament is abrogated by disuse, and those that remain are short general enactments, drawn to be the basis of future law, to be founded on them by judicial interpretation; and so, as Lord Stair expresses it, "attain the maturity of a law." This, however, is a subject which the members of this section will be better able to discuss than I can pretend to be.

ASSIMILATION OF THE LAWS OF ENGLAND AND SCOTLAND.

The same general principle which makes it necessary for the legal reformer in the changes he proposes to consider the effect of long continued decisions, or indurated popular customs, applies with still greater force to the introduction of the laws of other countries, on the faith of their popularity or success where they prevail. It were easy to furnish or imagine illustrations of laws, admirable where they prevail, but entirely inappropriate to other conditions of society. Representative government, as things now are, could hardly be introduced into our Indian empire without anarchy following close on its heels. The law of *habeas corpus* would be a mockery in a state in which slavery prevailed, as would the law of divorce in a country which admitted of polygamy, or denied the dissolubility of marriage. But, indeed, it requires no examples to prove that, in the introduction of the laws of other countries, we must be careful—first, to assure ourselves of the real source of the benefit which has apparently been produced by their prevalence; and, secondly, that the conditions essential to its success are to be found among ourselves. Length of time, surrounding institutions, habits of thought and action, and relative laws, are among the elements which must be held of account in estimating the proposed change. To a stranger, or a philosopher, it is apt to seem a trivial anomaly that, in one island of no very great extent, two different systems of law should prevail; and the anomaly appears all the greater when the community of transactions and of interests is considered. It would also seem, in an abstract consideration of the condition of the country, that the laws which are good for eighteen millions should also be good for three. The conclusion which our philosopher would draw from this would be that the laws of the two ends of the island should be assimilated, by those of the larger being imposed on the less. It needs, however, but a moment's reflection to satisfy any one that such an attempt would be wholly impracticable, simply because it would be made without any regard to the associations and traditions of a people jealous of their national integrity, and without estimating the necessary although tacit part which these bear in the operation of any system of law. A wholesale importation of the law of England among us would be a social and political revolution. The English law of tithes could hardly co-exist with the established form of religion. The English parish law would give us, what I hope not to see, an able-bodied poor-rate. The English law of real property would upset the security of our land rights, and introduce a net-work of subtleties difficult enough to administer in the country of their birth, but utterly incapable of being transplanted here, without unsettling the tenure of the whole landed property of the country. But if, convinced of the difficulty of the task, our philosopher should abandon this design, and propose to assimilate the laws of the countries by a consideration of the abstract merits of each, the impediments which beset this path are quite as great. He would find the abstract advantage for the most part on the side of the minority—an advantage arising in great measure from the fact that it is a minority. It is easier to produce results by working on a model than on the large, and so it is easier to produce a harmonious system of law in a small nation than a large one. The law of Scotland has been the work of jurists, that of England, of the people. With us laws have been framed to carry out legal principles—with them to protect their freedom. So while the law of Scotland, framed on the feudal and civil systems, and borrowed from, and illustrated and methodised by, the analogies of continental nations, presents on the whole a theoretical and philosophical unity. The law of England is a work of gigantic power, reared from materials of English growth, and piled up from one century to another by the hands of great judges who defied the frowns of courts and of patriots jealous of the liberties of the commons, and forced into rugged but magnificent administration by the wealth, the enterprise, and the commerce of the people. Judged of by its results, the world never saw a more beneficent or enlightened system; but, taken in detail, few of its component parts would stand the test of philosophical scrutiny. But shall we, therefore, come to the conclusion that this work of assimilation should be conducted on abstract merit only, and propose to abrogate at once the great common law of England, under whose mighty shadow her vast empire and human liberty has so long prospered and reposed? We must content ourselves with humbler and more attainable improvements, and proceed in the great work of assimilation by such degrees as may seem practicable and safe. But in this direction there is a great and important field open to the legal reformer. Of late years some important steps have been taken in this direction, some by direct and others by in-

direct assimilation. A few years ago, a commission was appointed, consisting of eminent English and Scottish lawyers, to consider to what extent the law merchant of the two countries could be assimilated, and their deliberations ultimately received the sanction of the Legislature in an Act of Parliament. The subjects which were dealt with by this statute were carefully selected, and, I think, well and successfully disposed of. And in regard to the points to which legislation was applied, preference is given to the English or Scotch law, according as each might seem to have the advantage. The changes introduced by it were not very radical or extensive; but the proceeding indicates the principle on which assimilation may be attempted, and I hope is only the forerunner of reforms equally well considered, and of more enlarged and general operation. Indeed, as regards the general system of mercantile law, it is to the sister kingdom that we must look for the soundest principles, and the best administration of them. The growth of our law merchant, such as it was, before we began to borrow from our neighbours, is a curious and unwritten chapter of the history of Scotland. It was brought to consistency, not in the courts of law, but in the convention of royal burghs, a body which, for a considerable period, exercised among merchants both the judicial and legislative powers, and the phantoms of whose proceedings are still to be found flitting round the decisions of our courts in the 17th century. But, excepting the certain fact that it possessed, or rather exercised, these powers, little remains of its deliberations or decisions; and all that we have most valuable in this great department of jurisprudence has been derived from the enlarged transactions of England, and admirable disquisitions of her judges. It is not by any means a hopeless task—indeed, it is one which I trust to see attempted—to place the mercantile law of the two countries on the same footing. Differences as regards remedies must possibly continue; but, as regards contracts and their import and effect, there does not seem to be any impediment to substantial assimilation.

BANKRUPTCY AND INSOLVENCY.

This leads us naturally to say a word on the subject of the law of bankruptcy. In common with all who take an interest in legal progress, I lamented the fate—the undeserved fate—of the Bill of my friend the Attorney-General during the last session. Smothered as it was under the heavy pile of unproductive and unremembered loquacity, which met with such unsparring castigation last night, I hope it still retains its vitality, and will reappear under happier auspices. It is a measure worthy of the reputation of its author, who unites, with profound learning, and unrivalled powers as an advocate, the enlarged and statesmanlike views of a great reformer of the laws. In this respect, we in Scotland have already tried the experiment he was anxious to introduce, and with what success, I believe, in the course of our discussions, we shall have opportunity of obtaining useful and interesting information. The general features of a useful system of bankrupt law may be very safely gathered from what I call the instinct of trade. When we find traders flying from the laws made for their benefit, and recurring to private tribunals of their own constitution, we may conclude, with absolute certainty, first, that there must be some radical defect in the law as it exists; and, secondly, that the true remedy is to be sought in the direction to which, with all its difficulties and uncertainty, the creditors of insolvent debtors have had recourse. In other words, let the creditors, as the Attorney-General proposed, manage their own affairs when they prefer to do so. Too much still survives of the old notion, that bankruptcy demands the intervention of the State for its degradation and punishment. So, of old, our debtors were denounced rebel to the Sovereign, were exposed to the *justos careeres*, wore a distinctive dress, and were subject to manifold indignities, superadded to the total loss of their worldly goods. These severities were the clumsy weapons of a ruder age, to compel the disclosure of hidden resources, and punished the innocent and the guilty alike. But the true object of the law of bankruptcy should be the rapid, thorough, and economical application of the whole available funds of the debtor to pay his creditors. That is the main and primary object of a system of bankrupt administration. The discharge of an innocent, the punishment of a fraudulent debtor, are subsidiary objects, important in themselves, but which should not be allowed for a moment to interfere with the main object of realising and distributing the debtor's estate with economy, certainty, and despatch. I do not altogether sympathise with the feeling which seems to prevail in some quarters that the main object of Bankrupt Law ought to be to check undue speculation, and that the interest of the

creditors themselves should be subservient to the exposure and punishment of rash and improvident merchants. It is right enough to give to the creditors themselves the power of dealing differently with the debtor who has suffered from misfortune, and the debtor who has ruined himself by folly. And it is not only right, but essential, that the fraudulent debtor should be stringently and summarily dealt with. But a system of Bankrupt Law cannot be converted into a machine for regenerating mercantile morality, or restraining within bounds the spirit of speculation. It may, acting in its proper province, be of assistance in a work which is greatly needed; but it should never be forgotten, that the end and aim of all proceedings in bankruptcy is the benefit of the creditors; and no element which interferes with or retards the accomplishment of that object ought to be admitted. Thus, it may be true that settlements by composition have a tendency to prevent investigation, and encourage the reckless trader. Still, if the creditors thereby receive their shares of the debtor's estate more rapidly and cheaply, these contracts ought to be encouraged. We must look to more general and deeper sources for the repression of the gambling spirit in commerce. A sounder and more healthy tone of mercantile morality, and the instinct of self-preservation, are the only real safeguards against it, while, by endeavouring, to the prejudice of the creditors, to make our bankrupt system one of rewards and punishments, we shall accomplish little in the way of improvement, and promote much individual injustice. I cannot say that in the recent discussions on Sir Richard Bethell's Bill, I was much impressed by the objections which were raised to the extension of its provisions to non-traders. Indeed, I am at a loss to understand what prejudice can possibly accrue to non-traders by the extension of a system beneficial to the mercantile community. The exclusion of non-traders from the provisions of the bankrupt law is not a privilege but a penalty. The vicissitudes and uncertainties of commerce were supposed to excuse the insolvency of those engaged in it, while, on the part of the community at large, bankruptcy is regarded as an offence. The law abated none of its rigour in regard to the over-trading debtor, as the dismal walls of Whitecross-street and the Fleet can so well attest; but it withheld, as a boon not deserved by him, the ready means of payment and discharge which it provided for the unfortunate trader. In all this, there is not favour but discouragement to the non-trader; it is exclusion from a privilege, not exemption from a penalty, which is the object of the law. There are many reasons which, to my mind, are conclusive for the abolition of this distinction. A non-trader is as much bound as a trader to pay his debts, and to pay them according to the precise time and manner of his contract. It is as desirable for the creditors of a non-trader, as for those of a trader, that his available estate should be rapidly, cheaply, and justly realised and divided. It is here that the real difficulty arises. Landed proprietors have a vision of their ancestral acres being seized and sold for some paltry debt; and even the man who knows at the bottom of his heart that his estate is no longer his, shrinks from the act which he feels to be just as well as inevitable, of permitting it to be applied to liquidate his debts. Far better for him, as well as far more just to his creditors, did the law leave him no choice in the matter; and thus would be saved many a long-languing, heart-broken life—prolonged from day to day in vague hopes, which reason from the first disowned, and which, had the worst been faced from the beginning, might have been vigorous and useful. But there are two special reasons for extending the operations of the bankrupt law to non-traders—one in which the public has an interest, and the other important to the debtor. The first is the equalizing operation of bankruptcy. Of all the frauds to which insolvency gives rise, collusive and secret preferences are the worst, and the greatest and most salutary benefit of a correct system of bankrupt administration is the even-handed justice it secures. There can be no reason why the creditors of a non-trader should be deprived of this protection. The other is the power of discharge. It has been said that the worst use you can put a man to is to hang him; certainly it is little more profitable to shut him up, or to leave him at large an incumbrance on society. It may be true that it is a homage to the virtues of prudence and foresight to nail unhappy debtors to our barn doors, and leave them there, to the terror of the lieges; but I doubt if mankind ever learn the lessons which such discipline teaches. The man may be useful, if free—he is worse than useless if he is not—and at all events, it is but reasonable to give him the chance of freedom, if those who have suffered through him be willing, and his own conduct has been honest. The distinction between traders and non-traders has become so shadowy, that the flimsy line of

principle which used to separate them is now utterly capricious in its operation. I conclude, therefore, that the bankrupt law of both countries should extend to all, and should have for its object the shortest and cheapest way of dividing the debtor's estate ratably among his creditors, subject to judicial inspection, but under the management of the creditors themselves.

TRANSFER OF LAND.

Turning from the department of mercantile law, I glance for a moment at the great subject of our land rights, nor is there any department of the law more truly conversant with social science than this. The feudal system, under which the land of Scotland is held, combined with its system of public registers, has given us a very logical and safe series of titles to land. It is expensive, but it is sure. But it is another question whether it does not admit of improvement, by the adaptation of some English principles, and whether our neighbours might not also beneficially borrow from us. But first, I would suggest, as regards both systems, they are far too complex, and far too dear. I should gladly see all restraints on the transfer of land removed. I believe they operate unmixed evil, having no tendency, as is imagined, to preserve, but a direct tendency to impoverish the aristocracy; while they are productive of infinite embarrassment and discouragement to the philanthropist and to the poor. What a practical satire on the law of entail is it that the proprietor of an enormous estate should not be able to give a few square yards to build a school on, excepting under the special and stringent provisions of an Act of Parliament. The change I would shadow out is one too sweeping to be practicable in the present state of public opinion; but in principle the transfer of land should be free. Secondly, it should also be as cheap as is consistent with security. The first element in a system of land tenures is security, and no amount of facility or economy would be worth purchasing at the expense of stability; but surely, when we look at the cumbrous machinery which we invoke, in order that I may give you a house which is mine, in return for £1000 which is yours, it is possible to make it quite certain what you are to get and what you are to give, at a cheaper rate. Thirdly, land rights should be public. Land is so stable and permanent a source of income, that its commercial value should be put to the highest account. But this can never be done, unless the public who buy a land in the market, have the means of knowing the state of the incumbrances which affect it. It seems therefore desirable that a system of public registration should prevail in both countries, and that land rights in England should be registered. I know it is very easy to announce general propositions, and far from easy to give them practical effect; and this, perhaps, is one of those abstract laws which are not fitted for transplanting to a soil not yet prepared for it. The landed proprietors dread the publicity it implies; the provinces dread centralization; the profession in the metropolis do not see their way to the change. I do not venture to attempt a solution of difficulties. I only suggest what seems a sound fundamental proposition. Fourth—Conveyances should be simple; and since I have suggested that our Southern neighbours should borrow our system of registration, I may, on the other hand, express my opinion that the time has probably now come when our feudal fictions might cease, and our tenures be freed, as those of England so long have been, of the sub-infeudations and mid-superiorities which so much complicate our conveyancing. I hope, in the course of the discussions which we are promised, some useful practical hints on this subject may be thrown out; and, in particular, that some views may be suggested as to the best mode of securing vested interests in the prosecution of what otherwise would be a great public benefit. It has always occurred to me that the Ordnance Survey, now nearly completed in Scotland, on a large scale, might be made very available in the way of cheapening conveyancing. It is, as you know, on the scale of an inch to the acre. In a map of that scale there is scarcely any bit of land that could not be clearly and accurately delineated; and, as science has now given us the means of multiplying these maps with great economy, it is obvious that in the matter of boundary, instead of those extraordinary, unintelligible descriptions which every one of you who has the smallest pendicle of land must have seen, it would be a very simple thing to say that we sell such and such a bit of land as marked on the map, to which we put our signatures. I know that selling by map is not a favourite thing with lawyers, and when you have to make a map for the purpose, this method may not furnish a very good title. But here you have a map by Government survey; you are quite sure it is accurate; and as long as the points of the compass remain the same, the

lines you have referred to may be laid down with mathematical accuracy. I have heard it said in the House of Commons that this Ordnance survey is a job, and useless, but I believe it will be found that the country will spend more in making the maps which are necessary on particular occasions, as, for instance, for the enclosure commissioners. If England does not want the survey to be on the same scale as in the lowlands of Scotland, we have no right perhaps to interfere; but, at all events, let us use the advantages which we have gained by the survey on that large scale in the lowlands of Scotland. I think the time has come now when our feudal fictions may be very conveniently and usefully abolished. While, in England, the system of mid-superiorities has been abolished for many centuries, it still prevails among us. I think it has proved very useful, as a system of conveyancing, and has tended to the validity of our titles. On the other hand, I think the time has come when we may have all the benefit without the inconvenience. But the abolition of this system is a very large work, affecting great interests, and I hope some suggestions may be thrown out in the paper to be read on the subject.

PUBLIC PROSECUTOR.

I now turn to the subject of a minister of justice or public prosecutor, in the criminal department of the law. Now this is a very large and important matter, but more fitted to be dealt with by English hands than by mine. As regards ourselves, I suppose I am hardly an impartial witness as to the usefulness of a public prosecutor. At the same time, I think I am entitled to say—because I speak now from very considerable experience of that office—that every year that I have had the opportunity of seeing the working of the system has increased my conviction that it would be very difficult indeed to devise a mode of prosecuting criminal business which would accomplish the twofold object which the prosecutor ought to have before him—the detection of the guilty and the protection of the innocent. No doubt, a public prosecutor in an arbitrary state is very dangerous to the liberties of the people; but a public prosecutor, under the influence of public opinion and Parliamentary responsibility, is, in my opinion, as far as the practical working of it is concerned, the best mode in which the criminal affairs of a country can be conducted. It is impossible to deny that as crimes are crimes against the public, so the public should be at the expense of prosecuting and punishing them. And whatever may be the practical operation of the system in England, of which I say nothing, because I do not know much—whatever may be the practical operation of it, it has no right to leave upon a private prosecutor—who may be supposed to prosecute only for the injury done to himself—the vindication of the great public law, the breach of which is truly at the ground-work of the proceedings. And, accordingly, it has been the desire in England for many years to accomplish, if possible, this most desirable change. Again we are beset, however, with the same difficulties that I have alluded to in speaking of other subjects. We work here upon a small scale—we can keep everything within bounds—the public prosecutor and his deputies are cognizant of every offence that takes place in all parts of the land. He knows the proceedings that have been going on, and therefore he can judge personally for himself, on his personal responsibility, of the things that are done. Well, a great minister of justice in England would find it difficult to overtake the work to this extent; and it is quite true that without direct personal responsibility the office is one unquestionably exposed to danger and risk. Then, again, from the enormous mass of the English population, it would be a very difficult thing to keep within the Crown office, as we do, the whole records of crime—of such crime as requires public prosecution. These are practical difficulties. Again I say I cannot deal with them—I have not even the knowledge or information to suggest how they should be dealt with. At the same time, I think I may say that if the system we have works well here, there must be the means, in one shape or other, of bringing it also into practical operation in England. Well, there is another question that has been raised. If we are to give a public prosecutor to England, are we to take a coroner's inquest and grand juries from England? I think it is not impossible that a paper, of which I see my friend Mr. Smith has given notice, may propose to deal partly with that question, and therefore I do not think it necessary to enlarge upon it at any length. All I can say is, that if a coroner's inquest is intended for the protection of the subject, if it is intended for the purpose of taking care that the cases shall be investigated and examined, I think that object may be attained without the necessity of importing so large and wide a

system from England. For my own part I believe that in no where in Europe is crime more uniformly investigated or more efficiently detected than it is with us.

CORONERS' INQUESTS.

But if a coroner's inquest is wished in order to detect crime—if the object is to ascertain and detect occult and latent crimes—I then say I would object to exchange a most efficient and philosophical machine for a very rough and doubtful one, because, if you are only dealing with the detection of the crime, can any man doubt that inquiry which is not public is the best and most efficient mode of detecting it? If you are to send a detective down to a remote county to ascertain the truth as to some act that had been committed in private, you would hardly put an advertisement in the newspaper that you had done so, and you would scarcely tell him, on his arrival, to proclaim at the market cross what he wanted. Quite the contrary, and there can be no doubt that the quiet investigation which goes on in the Crown Office in Scotland is infinitely better adapted to detect facts than the investigation which takes place before a coroner's inquest, which gives warning to the guilty, which throws suspicion upon the innocent, and which, for the most part, though it has served its turn nobly, as the production of England against arbitrary power—for the most part, I believe, not really to be conducive to the detection of the more secret and difficult crimes. But there is another object—another result which our system accomplishes, which the coroner's inquest was greatly against—I mean the protection of the innocent. I am not at this moment saying that the coroner's inquest should be abandoned in England. It is consonant to the feelings of the English people, and has been productive of good in England. I am only comparing it with our own system, and I say that any man who has experience of the Crown Office work in Scotland will admit that if it is good for the detection of crime, it is very potent in the protection of the innocent—in preventing false rumours from getting afloat—in discouraging false accusations—in preventing colourable appearances from being tortured by the public gossip into accusations of crime. For all these things I would deprecate the introduction into Scotland of the system of coroners' inquests as it exists in England, leading sometimes as it may to the unhappy man, who is thrown into circumstances of suspicion, having the finger of scorn pointed at him during all his days, and those who hear the accusation may never hear the refutation. But I own I do not very well see how the administration of criminal law can proceed much longer in England without some institution like that of a Minister of Justice. If our experience in Scotland can be of any assistance I am sure it will be a pleasure for us as well as a duty to afford it.

INTERNATIONAL LAW.

The next branch of inquiry to which I will simply allude, though it is a very important one, is alluded to in the interesting letter from Russia, read this morning—I mean international law; and that not so much between us and continental nations as between ourselves and England—these two foreign countries, as they are termed in the legal courts, and which sometimes seem to lie in wait for each other, in order that they may enforce their jurisdiction—that foreign country which is supposed to know nothing of the principles of law and justice. A great deal more, I think, can be done to bring the two countries out of that relative position of foreign countries, the courts of which consider themselves entitled to look at the decision of the foreign court and confirm or disregard as they themselves approve. There are many things in the juridical system of England and Scotland that could be put on a proper footing by special legislation, defining the limits. Last year there were a good many Englishmen coming down to Scotland, having a great admiration for our bankruptcy system, particularly in the west, and living for forty days at some agreeable residence—Tobermory or elsewhere—and then claiming the benefit of the bankruptcy law in this country. And a great deal was said in England as to the barbarous state of the law which could permit such a thing. I am happy to say that, among the small number of useful measures passed last session, we have put an end to that, and have provided that in such a case the Courts of Scotland shall simply send the debtor back to England where he came from. But how is the law of England in this matter? I rather think that, notwithstanding their surprise at the state of our law, if a Scotchman found himself in England, and was clapped into Whitecross Prison, an Insolvent Court will make no scruple of taking him up, without even the interval of 40 days. Now I would suggest that if we are to assimilate our bankruptcy laws, we should

have a clear line of distinction between the two Courts, so that you will not have both judging the same matter. There is another matter which has very lately arisen, and which I shall only allude to, because it is a case which is still going on—I mean as to the jurisdiction of the Court of Chancery in one part of the land and in the other. There was a case in which a pupil under trustees in Scotland was seized by the Court of Chancery, and retained, by them, that Court maintaining that the pupil, being in that part of the kingdom, they had jurisdiction, and were entitled to see that the estate was properly administered. The trustees consequently found themselves in the awkward position of accepting a trust and having no ward in whose behalf to administer the trust. The other day a case of the same kind occurred here. A pupil under the jurisdiction of the Court of Chancery came down here; his guardian follows him, and went to the Court of Session. But they, unmindful of the lesson read to them by the Court of Chancery, did not at once deliver up the pupil, but said—This is a decree of a foreign court, we will look into the matter and see what is to be done. Now, that is not a state of things which should be allowed to go on as between England and Scotland. There is no reason why the one court and the other on either side of the border should be watching for unwary pupils. The inconvenience is so great that it should be put an end to by Act of Parliament. A still more serious matter is the subject of marriage. It is certainly very extraordinary that a man should be married on one side of the border and not on the other, and very awkward that one man himself should not be able to say with certainty whether he is married or not. A good many years ago a decision was given in one of the English Courts that a divorce granted by a Scotch Court was not one which they could recognise, and the unfortunate man was actually tried for bigamy because he had married again after being divorced. I made an attempt to remedy that matter in a bill introduced into Parliament this year, but there was a difference of opinion as to whether the mode in which it was proposed to regulate that matter was the best or not. I do not mean to say anything on that point further than to say that objections have been thrown out in Scotland which are entitled to my respectful consideration. But there is another matter which affects social relations, and which ought to be dealt with without further delay. There is a form of founding jurisdiction by an arrestment of moveable property in Scotland. If you can find the smallest amount of money belonging to an English debtor, or an umbrella he has left behind him, as he returns from the shooting, you can claim jurisdiction upon him by a Scotch Court to any amount whatever. That is by no means peculiar to Scotland, however; it is founded on the principles still recognised in the common law of various continental countries, and still obtains in the city of London—[Lord BROUGHAM: And in Bristol.] It appears to me that it would be well to consider whether the jurisdiction should longer continue. The last head on this subject is one in regard to which I have had a communication from my friend, Mr. Sanderson, Berwick-on-Tweed, who has sent me a paper in regard to the execution of judgments in the two countries. He proposes that the Courts which make the contracts should have jurisdiction to try the case. The general law is that the creditor goes to the jurisdiction of his debtor. But my friend, Mr. Crawford, for two or three years, introduced a bill to make the judgment of any court of England, Scotland, or Ireland, not the judgment of a foreign court, when brought into another part of the United Kingdom, but absolute and conclusive, as it ought to be. The Bill was perfectly agreeable to the English and Scotch members, but the Irish members rather objected, and so it was not successful. But I think that is the mode in which the difficulty should be got over.

ADMINISTRATION OF THE LAW.

The only other matter to which I intend to refer was the large and extensive question of the administration of the law—the mode of conducting cases, their expense, and the rapidity of decision and judgment. But I shall not enlarge on these topics. I thank you very heartily for the attention with which you have listened to me. There is also the question of the assimilation of the law of equity, which to English lawyers is interesting, and which is interesting also to us, but I shall not longer detain the section from its deliberations. Many nations have good systems of laws, but there is a stage and a progress in which we have now to a great extent outstripped the rest of the world. There have been many great and beneficent systems of law announced by despotic rulers—the next stage in a nation's history is the potent, free, and independent administration of them, and for this, more than anything else, have come

the bloody wars on which the freedom of nations has been gradually built up; judges rising against the power of the Crown if it required them to decide contrary to the spirit of the constitution and the laws under which they lived. It is to England that we owe it chiefly, and it is a great boon, for which we never can be sufficiently thankful, that even in the very worst of times, and when political principles were forgotten, the noble spirit of her judges stood upright amidst the crash of everything else that was noble and free in that country, and asserted there, for the first time, I believe, in the history of the world, the majesty of the law above every other power in the country. But we are past that stage—the thing is done—we have vindicated the power of administering the law, unawed by terror from any side; and now we stand in the position—and few countries can say the same, happy is the country that can—that in perfect security, the law, be it what it may, will be administered with honesty and vigour. We can call such an assembly as this, of those who are lawyers and those who are not—those who have transactions and have to regulate the law by which they proceed—we can call such a meeting as this to deliberate what the law ought to be, in the perfect conviction that if, in the end, public opinion shall come to think that there will be a change, that change will be effected by the most constitutional means.

His lordship concluded his powerful and talented address amid loud acclamations.

The Courts, Appointments, Promotions, Vacancies, &c.

MIDDLESEX SESSIONS.

Monday, Sept. 24.—The September adjourned general sessions for the county of Middlesex commenced this morning, at the Guildhall, Westminster, before Mr. Bodkin, the assistant judge; Mr. Payne, the deputy; and the following magistrates: Mr. E. W. Cox, Mr. Gould, Mr. O. B. B. Woolsey, Mr. Parbury, Mr. Hogarth, Sir James Tyler, the Earl of Carnarvon, Mr. Henry Warner, and Mr. H. J. Baxter. There were 59 prisoners for trial.

Mr. Thomas Paine, of the firm of Messrs. Paine & Layton, 24, Old Broad-street, London, has been appointed a perpetual commissioner for taking acknowledgments by married women for the cities of London and Westminster and the county of Middlesex.

Correspondence.

MERCANTILE LAW AMENDMENT ACT, 1856.

Can any of your readers refer me to any decision bearing on the question whether the Mercantile Law Amendment Act, 1856, sect. 3, extends to promises in writing by executors or administrators to answer damages out of their own estates? In other words, is it still necessary that the consideration for such promises should appear in writing? S. S.

SUPERSTITIOUS USES.

On the third reading of the Roman Catholic Charities Bill in the House of Lords, noticed in the *Solicitors' Journal* of the 1st of September, 1860, the Lord Chancellor referred to a judgment of the Judicial Committee of the Privy Council, pronounced by Sir Herbert Jenner. Will the editor of the *Solicitors' Journal*, or any of his numerous subscribers, kindly give the name of the case in which such judgment was pronounced, and any where it is reported? R. P.

CHANCERY JUDGES' CHAMBERS.

Sir J. Graham in the House of Commons seems to have endorsed the opinions that were expressed in your columns, some time since, regarding the intentions of the legislature, as to the conduct of business at these chambers and the relative positions he judges and their chief clerks were intended to occupy. It was justly observed that these chief clerks are not likely to be so able as the masters, and yet assume, or have somehow or other assumed, powers very much more extensive. How can it be satisfactory that a judge should attend for two hours twice a week to dispose in a cursory manner of the important questions that demand his attention? Is the business of less moment

than his court business? I believe there is no complaint, (except perhaps in one court) of delay in hearing causes, why then should not more time be devoted to the adequate discharge of the chamber business? A. B.

JOINT STOCK COMPANIES ACT, 7 & 8 VICT. c. 110.

Will one of your correspondents inform me in what position a man stands who, acting as a director, accepts a bill on behalf of a company subsequently found to be insolvent, but who does not hold any shares in the said company, and under Act 7 & 8 Vict, cap. 110, cannot legally be a director, as he holds no shares. Can he individually be made responsible? A. J.

ASSISTANT CHIEF CLERKS IN CHANCERY.

I have read several letters that have appeared in your journal regarding chancery business. It appears that the chief clerks perform a great deal of business for which they are not fitted, and were never intended to undertake,—which arises from the judges not paying sufficient attention to their chamber business. The delay in court business does exist, though in some it is quite inconsiderable and none at all in other branches of the court. What delay there is might be considerably prevented by the Lords Justices relieving the Master of the Rolls and Vice-Chancellors from such part of their business as is not likely to involve a reference to chambers, and there is a good deal of such business. Instead of doing it, and thus helping to remove an admitted grievance, the Lords Justices often sit at the Privy Council, and their presence is not in the least needed there, as there is an abundance of judicial strength applicable to that tribunal. What then is the inevitable deduction from these premises? I think it is so obvious that I need not mention it. It has been suggested that the chief clerks of the Masters should assist those of the judges; in the same manner Mr. Buckley has been (as a mere volunteer and without any authority) aiding Mr. Whiting and Mr. Hume—it has been proposed that the Masters or some of them, should be made additional Vice-Chancellors; either suggestion would also assist to remove the grievance complained of. P. Q.

ATTORNEYS AND THEIR AGENTS.

There is an important point between these parties which affects me more than the question lately raised in your columns, viz.: the indisposition of many London attorneys to pay their country agents the small fees to which they are entitled. I frequently receive writs from them for service in the country; but the proportion of those who pay me does not exceed one in three, although I frequently have to send a clerk or messenger from two to five miles into the country.

The evil is very common; for I have mentioned the matter to some of my professional brethren in the country, and I do not remember one who had not a similar complaint to make.

Perhaps a notice in your Journal may tend to remedy an evil so injurious to country attorneys.

A COUNTRY ATTORNEY.

THE "LAW LIST."

In the "Law List" of solicitors practising in this town appears the name of a gentleman not having an office here, his office being six or seven miles off in a neighbouring town, neither does the gentleman attend here at all. On my pointing out to him that his name appeared as a solicitor practising in this place he expressed surprise, and said he could not tell "how his name had been inserted; he had not ordered it." I would suggest that within one month after each new "Law List" appeared information be sent to you of all irregularities of this sort, and a list of non-resident solicitors be published in your valuable paper. It is high time some remedy be adopted. We might then correct our own "Law List." E. C.

SOLICITORS' CHARGE ON APPLICATION FOR A DEBT.

I should be much obliged if some one of your correspondents will inform me whether supposing a solicitor when he applies for a debt due to his client also demands a sum (say 5s.) as the charge for the application, he can require payment of the latter demand and refuse to accept the debt without it is accompanied by the amount claimed for the application.

Your obedient servant,
X. Y. Z.

The Provinces.

BRADFORD, YORKSHIRE.—Mr. Rawson, the much respected clerk to the borough magistrates, made his appearance in court on the 24th inst., for the first time during the last six months. He has been suffering from severe indisposition; but we are glad to say that he is now almost completely recovered. On his resuming his duties he was warmly greeted both by the members of the bench and the practitioners of the court.

BRISTOL.—In May, 1855, Mr. Thomas Rennie Hutton, one of the official assignees of the Bristol District Court of Bankruptcy, absconded, and an investigation of the accounts of the estates in which he was concerned led to the discovery that there were some 160 estates in respect of which Hutton was a defaulter in various amounts, ranging between £12,000 and £13,000. There were two sureties of £3,000 each—Mr. Samuels and Dr. Scott. Mr. Samuels at once paid the amount for which he was liable, but Dr. Scott having died, his representatives contested the claim in Chancery, and ultimately the matter came before Vice-Chancellor Sir W. P. Wood, by whom an order was made for the payment into court of the whole £3,000. These sums, amounting with interest to about £8,400, are now in the hands of the Accountant-General, awaiting the order of Mr. Commissioner Hill, but their appropriation has been delayed by one or two open accounts, which cannot be closed without information from the solicitors to the estate, especially two connected with some large works in Wales, with which some difficulty arises as to the accounts, between the estates and the parties administering them. The learned Commissioner has now appointed the 7th of November for entertaining applications from parties interested in the fund, at the same time intimating that, if the parties interested in the two estates referred to fail to procure an adjustment by that time, they will be under the peril of losing by further delay all share of the fund to be divided.

LEEDS.—There are already seven candidates for the office of Town Clerk of this town, and there is every reason to suppose that the number will be augmented when the vacancy is publicly advertised. The present candidates are—Mr. J. M. Barrett, Mr. Charles Bulmer, Mr. A. J. Williams, Mr. George Yewdall (of the firm of Messrs. Upton & Yewdall), Mr. J. E. Smith (Messrs. Butler & Smith), Mr. G. A. Emsley (Messrs. G. A. & W. Emsley), and Mr. J. Prest, all of whom are solicitors practising in the town.

The magistrates for this borough have had the portrait taken of Mr. Robert Barr, as a mark of their respect for that gentleman, who for nearly a quarter of a century has filled the office of clerk to the magistrates for the borough of Leeds with great ability, with unceasing attention to its onerous duties, and with unvarying courtesy towards all with whom he came in contact. No man has won more thoroughly or more deservedly the confidence of the public, whose only regret, we are sure, will be that they have been excluded from participating in this tribute of respect to one whom all parties esteem so highly. The commission for the work was entrusted to Mr. Crabb, a Scotch painter of considerable eminence. He has produced a portrait of great merit. Mr. Barr is represented as seated at a table, on which are placed some books, ink, and paper. The legs are crossed, and the arms are supported by the table and chair, the right hand and arm resting on the former, and the left on the latter. On the right of the figure is a view of the Town-hall in the distance.

OLDBURY.—It will be remembered by our readers that some time ago an attempt was made to remove the sittings of the County Court from Oldbury to West Bromwich. A sturdy opposition was forthwith organised against the movement, at the head of which was Mr. H. Plunkett, solicitor. A petition, signed by upwards of 3,000 people, was forwarded to the Home Secretary—deputations waited upon him—and when, finally, a commissioner was sent down by Government to Oldbury to make the necessary inquiries into the matter, Mr. Plunkett attended before him and did battle against six of his professional brethren from West Bromwich. The result was a success for Oldbury, and a movement was at once set on foot to present Mr. Plunkett with a testimonial in recognition of his services, which it need hardly be said, had been gratuitous. This led to the presentation, on the 19th instant, of a very handsome time-piece of foreign manufacture. The inscription on the plate was as follows: "Presented to H. Plunkett, Esq., by the magistrates, manufacturers, and inhabitants of Oldbury, as a testimonial in recognition of his able and successful services in preventing the removal of the county court from Oldbury. August, 1860." Samuel Sadler, Esq., was called to the chair, and he in a few

appropriate remarks, enlogising the exertions of Mr. Plunkett, presented the testimonial to him.

SCARBOROUGH.—Much excitement has lately been caused in this town by the hearing of a charge preferred against Mr. J. F. Spurr, a solicitor, of "unlawfully and knowingly by certain false pretences attempting to obtain from Jane Shippey, the wife of Thomas Shippey, the sum of 10s. 6d., the property of the said Thomas Shippey, with intent to defraud," &c. All the members of the legal profession in Scarborough were present, and many other influential gentlemen. The case for the prosecution was conducted by Mr. Cross, instructed by Mr. Collinson, of this place; and for the defence by Mr. Shepherd, instructed by Mr. Brearey, of York. In Scarborough there is an old court for the recovery of small debts, known as the Court of Record, of which W. B. Coulson, Esq., is the registrar. All writs purporting to be issued from this court should be sealed by the registrar, for which he receives a fee. It appears that on the 28th August last, Mr. Emanuel Wilson, the person whose duty it is to serve the writs, was employed by Mr. Spurr to serve several writs upon various parties. Those writs, with copies of the same, were laid upon a desk in Mr. Spurr's office, having been prepared by him, and, with one exception, all bearing the seal of the Court of Record, which Mr. Spurr had duly caused to be applied to them by Mr. Coulson. The exceptional document, it appears from what was advanced in the defence, was complete in every respect but the application of the seal, and in its imperfect state it was taken by the officer and served upon the party to whom it was addressed. Wilson, the officer, said in his evidence on oath, that he took the document among the rest, believing it to have been intended for him, and that he did not examine whether it was merely a copy, and whether he had the original as well. The counsel for the defence argued that the paper was not meant to be taken out by Wilson, but having been prepared by Mr. Spurr, it was perhaps inadvertently laid near the others. The transaction was discovered by Mr. Coulson, in consequence of Mrs. Shippey taking the writ to him in order to enter an appearance against it, she denying the debt with which she was charged. Mr. Coulson saw Mr. Spurr on the subject, and the latter said the document had been taken out by mistake, a statement which Mr. Coulson said, in evidence, that he believed. Mr. Coulson told the woman the writ was worthless, as it was one or a copy of one to which he had never applied the seal of the court. The matter would probably have ended in the correction of the alleged mistake, by the issue of another writ properly sealed, as Mr. Spurr went to the woman to apprise her of what he said had been done by mistake. She, however, had taken the writ, for advice upon it, to another lawyer, Mr. Collinson, who ultimately instituted proceedings against Mr. Spurr. After a careful consideration of the case, the decision of the bench was given to the effect that they had no doubt a writ had been served, of which an original had not been issued, but that there was not, in their opinion, sufficient evidence to warrant them in sending the case to a jury.

Ireland.

At a recent meeting of the Wexford Board of Guardians, Mr. F. Solly Flood, the Barrister, in moving that a petition should be presented to the Legislature, to assimilate the Irish law to the English, in making the fathers liable to contribute to the support of their illegitimate children, read the following letter from the Bishop of Exeter:—"Sir,—No apology can be required for the letter which you have done me the honour of addressing to me. I have never heard that the state of the law in England, requiring the liability of fathers of bastard children to contribute to their support, has ever been productive of evil, though the miserable qualifications with which that liability is diluted have made the law, I fear, of much less efficiency than it ought to be. I heartily wish success to your laudable exertion in the case of the weak, the betrayed, and the oppressed.—I have, &c., H. Exeter. To F. Solly Flood, Esq., Temple."

Scotland.

It is understood that Mr. Robert Bell has resigned the sheriffship of Berwickshire (which he has held for nearly 20 years); that Mr. George Young will be appointed to the office so vacated, resigning his present appointment of sheriff of Invernessshire; and that Mr. A. R. Clark is likely to succeed Mr. Young in the last-named office.

Births, Marriages, and Deaths.

BIRTHS.

ANDERSON—On Sept. 21, at 17, Great James-street, Bedford-row, the wife of Robert Anderson, Esq., Solicitor, of a daughter.

CHATFIELD—On Sept. 24, the wife of O. H. Chatfield, Esq., Barrister-at-Law, of a son.

MARTIN—On Sept. 21, the wife of Thomas Martin, Esq., of Gracechurch-street, Solicitor, of a daughter.

MARRIAGES.

CARTER—ASHTON—On Sept. 26, William Carter, Esq., of Leadenhall-street, Solicitor, to Sarah, only surviving daughter of the late Job Ashton, Esq., of Camden-street, Islington.

DEMPSTER—MACKENZIE—On May 9, at Darlinghurst, Australia, Richard Alfred Dempster, Esq., of the Clarence River, to Louisa, youngest daughter of J. B. Mackenzie, of Sydney, Esq., Official Assignee.

HARRISON—A'BECKETT—On Sept. 24, Henry Leland Harrison, Esq., Bengal Civil Service, to Fanny Matilda, eldest daughter of the late Gilbert Abbott A'Beckett, Esq., Metropolitan Police Magistrate.

LAWRENCE—DUNCAN—On Sept. 25, Hugh Man Lawrence, Esq., of Leo Kent, to Mary Eliza, second daughter of the late John Duncan, Esq., Solicitor, London.

PARSONS—BOND—On Sept. 19, Frederick William Parsons, Esq., Solicitor, Nottingham, to Henrietta Elizabeth, eldest daughter of G. H. Bond, Esq., of the Tiled House, Fennett.

PEARSON—SAREL—On Sept. 27, the Rev. Thomas Pearson, M.A., vicar of West Lavington, Wilts, to Jane, second daughter of the late Richard Sarel, Esq., of Berkeley-square, Solicitor.

RUSSELL—ROSS—On Sept. 26, at Edinburgh, Francis Russell, Esq., Advocate, to Gemina Catherine Farquharson, youngest daughter of George Ross, Esq., Advocate, Woodburn, Edinburgh.

TRAVERS—DAVIES—On Sept. 20, Henry Fane Travers, Esq., Military Store Service, to Jane Lucy, daughter of the Rev. John Humphrey Davies, of Sion House, Twickenham, and granddaughter of the late Sir Anthony Hart, Lord Chancellor of Ireland.

DEATHS.

BLUCK—On Sept. 18, aged 42, Fanny, wife of Edward Bluck, Esq., Solicitor, of Liverpool.

BROOKE—On June 27, killed in battle, at Waitara, New Zealand, Charles Francis Brooke, Lieut. 40th Regiment, aged 25, youngest son of William Brooke, Esq., Master in Chancery, Dublin.

MONTGOMERY—On Sept. 17, at Mossbank, Comber, Alexander Montgomery, Esq., Solicitor.

ROGERS—On Sept. 19, at Falmouth, Hender Rogers, Esq., Solicitor, aged 36.

WHITELEY—On Sept. 23, George Whiteley, Esq., of the Middle Temple, Barrister-at-Law, aged 43.

WILSON—On Sept. 16, aged 65, Mr. Edward Wilson, for upwards of forty years with Messrs. Lacey, Solicitors, Liverpool.

London Gazettes.

Windings-up of Joint Stock Companies.

LIMITED IN BANKRUPTCY.

TUESDAY, Sept. 25, 1860.

THE GENERAL DISCOUNT COMPANY, LIMITED.—Petition for winding-up, presented Sept. 24, will be heard before Commissioner Evans on Oct. 4, at 11. J. & J. H. Linklater & Hackwood, Solicitors, 7, Walbrook.

Creditors under 22 & 23 Vict. cap. 35.

Last Day of Claim.

TUESDAY, Sept. 25, 1860.

BRAIN, RICHARD, Innkeeper & Farmer, Shipston-upon-Stour, Worcester-shire (who died in July, 1856). Hancock & Hiron, Solicitors, Shipston-upon-Stour. Oct. 15.

FENNINGS, RICHARD, Wholesale Shoe Manufacturer, East Ham, Essex, and 11, Queen-street, Chapside, London (who died on or about Feb. 18, 1860). Rumney, Solicitor, Rose Villa, Enfield, Middlesex. Oct. 20.

FOYSTER, JOHN, Gent., Lincoln (who died on Aug. 30, 1860). Foyster, Manchester, or Moore, Lincoln, Solicitors. March 25, 1861.

IRVINE, JOHN, Wine, Spirit, & Beer Merchant, Hungerford-wharf, Strand, Middlesex (who died on March 21, 1860). Harris, Solicitor, 34A, Moor-gate-street, London. Oct. 31.

JOHNSTONE, WILLIAM, Gent., 11, Upper Berkeley-street West, Edgware-road, Middlesex (who died on Sept. 1, 1860). Preston & Webb, Solicitors, 9, Carey-street, Lincoln's-inn, Middlesex. Oct. 30.

JONES, ROY, HENRY PROWSE, Clerk, Edgeworth Rectory, Gloucestershire (who died on May 4, 1860). R. Mason, Executor, Newnham. Nov. 26.

LOFTS, JAMES, Dairyman, 39, Cambridge-street, Edgware-road, Paddington, Middlesex (who died on Dec. 21, 1833). Chappell, Solicitor, 40A, Connaught-terrace, Hyde-park, Middlesex, W. Nov. 1.

LOFTS, MARIA, Widow, 39, Cambridge-street, Edgware-road, Paddington, Middlesex (who died on July 2, 1860). Chappell, Solicitor, 40A, Connaught-terrace, Hyde-park, Middlesex, W. Nov. 1.

RAMEY, SEKTU, Gent., formerly of Acomb, and late of Beverley, York-shire (who died on Aug. 17, 1859). Richardson, Gutch, & Richardson, Solicitors, York. Nov. 22.

SIMPSON, ROBERT TOPHAM, Farmer, Eardiston, Luddridge, Worcestershire,

(who died on Jan. 24, 1860). Conyers & Jennings, Solicitors, Driffield, Yorkshire. Dec. 31.

SMITHS, WILLIAM, Ironfounder & Ironsmith, 1 & 2, Stingo-lane, Paddington, and of Rose-cottage, Child's-hill-lane, Hampstead, Middlesex (who died on April 15, 1860). Rixon, Son, & Anton, Solicitors, 28, Cannon-street, E.C., London. Dec. 1.

WATTINGTON, JOHN HOOPER, Gent., Reading, Berks (who died on July 12, 1860). Blandy & Blandy, Solicitors, 1, Friar-street, Reading. Dec. 1.

WHITEHOUSE, JOHN, Gent., Broom, Biford, Warwickshire (who died on Aug. 14, 1860). Jones & Son, Solicitors, Alcester. Oct. 31.

FRIDAY, Sept. 28, 1860.

BATEY, ISABELLA, Widow, Bishopwearmouth, Durham (who died in January last). Thompson, Solicitor, 53, Villiers-street, Sunderland. Nov. 23.

BUSH, JOHN, Esq., Bradford Wilts (who died on Nov. 2, 1837). Whitaker, Whitaker, & Woolbert, Solicitors, 12, Lincoln's-inn-fields, London. Nov. 15.

CANTWRIGHT, CHARLES, Furnishing Draper, High-street, Birmingham (who died on July 19, 1860). Cartwright, Executor, 95, Snowhill, Birmingham. Oct. 27.

DALE, JAMES, Lighterman, New-road, Old Brentford, Middlesex (who died on Aug. 23, 1860). Woodbridge & Son, Solicitors, Clifford's Inn, Fleet-street, London, or Brentford, Middlesex. Nov. 20.

FINSTER, EBENEZER, Gent., 3, James's-place, Hackney-road, Middlesex (who died on or about Oct. 6, 1859). H. & F. Chester, Solicitors, 1, Church-row, Newington Butts, S. Nov. 24.

GENESTE, REV. MAXIMILIAN, Clerk, Incumbent of Holy Trinity Church, West Cowes, Isle of Wight (who died on July 27, 1860). J. W. Cunningham, Executor, King's College, London. Nov. 30.

HARRISON, MARY ANN, Spinster, 4, Wellington-place, Stepney, Middlesex (who died on or about Oct. 6, 1859). St. George, Middlesex (who died on Dec. 12, 1859). Morris, Stone, Townson, & Morris, Solicitors, Moor-gate-street-chambers, London. Oct. 25.

MOORE, JOHN, 3, Sandwich-street, Burton-crescent, Middlesex (who died on Feb. 21, 1860). Stevens & King, Solicitors, 6, Gray's-inn-square, London. Nov. 1.

PALMER, ELIZABETH, Licensed Victualler, Villa Cross Tavern, Lonsdale, Handsworth, Staffordshire (who died on July 11, 1860). Marshall, Solicitor, Eldon-chambers, Cherry-street, Birmingham. Oct. 17.

PELLEW, ELIZABETH, Widow, 5, Charlton-terrace, Darkmoore-street, Kensington, Middlesex (who died on or about Dec. 12, 1859). H. & F. Chester, Solicitors, 1, Church-row, Newington Butts, London, S. Nov. 24.

REES, JAMES, Gent., formerly of Somerset-villa, Sydenham-road, Stoke Croft, Bristol, and late of 20, Merchants-parade, Hotwells, Bristol (who died on April 26, 1860). Abbot, Lucas, & Leonard, Solicitors, Albion-chambers, Bristol. Nov. 1.

STER, JOHN HENRY, Highworth Wilts (who died on or about Dec. 23, 1859). Mant, Solicitor, 5, Great James-street, Bedford-row, Middlesex. Oct. 1.

Creditors under Estates in Chancery.

Last Day of Proof.

TUESDAY, Sept. 25, 1860.

GUNSON, JOSEPH, Flour Merchant & Tanner, Kendal, Westmorland (who died in or about April, 1837). Gunson & Another v. Gunson & Others, M.R. Nov. 1.

FRIDAY, Sept. 28, 1860.

TOMPSETT, JOHN, Serag Oak, Wadhurst, Sussex (who died in or about Jan. 1855). Tompsett v. Harmer, V.C. Wood. Nov. 3.

Assignments for Benefit of Creditors.

TUESDAY, Sept. 25, 1860.

BARTLE, GEORGE, Watchmaker, Brigg, Lincolnshire. Sept. 22. Trustees, W. Hedley, Farmer, Great Limber, Lincolnshire; E. Smith, Ironmonger, Brigg, Lincolnshire. Sol. Bird, Brigg, Lincolnshire.

BIRMINGHAM, FRANCIS, Draper, Leicester. Sept. 3. Trustees, S. Watts, Merchant, Manchester, and Joe Berry, Merchant, Manchester. Sol. Stevenson, Leicester.

CHICKEN, JOHN, Warehouseman, 40, Cheapside, London. Aug. 27. Trustees, J. Mirfin, Manufacturer, Leeds; E. Chance, Warehouseman, Friday-street, London. Sol. Jennings, 34, Lime-street, London.

DICKINS, JOHN, Currier & Leather Seller, 63, Blackman-street, Southwark, Surrey. Aug. 23. Trustees, H. Page, Leather Factor, 118, Bishopsgate-street Within, London; W. A. Ward, Leather Factor, Leadenhall-place, London. Sol. Roberts, 8, Barge-yard Chambers, Bucklersbury.

DIXON, BENJAMIN, Chemist & Druggist, St. Peter per Mountgale, Norwich. Aug. 23. Trustees, J. D. Smith, Chemist & Druggist, Norwich; S. Gaffer, Gent., Norwich. Sols. Winter & Son, St. Giles's-bishop, Norwich.

GODWIN, FISHER, Nursery & Seedsman, Sheffield. Sept. 15. Trustees, J. Shattman, Grocer, T. J. Cocking, Accountant, & E. Loxley, Stationer, Sheffield. Sol. Waterhouse, 14, Bank-street, Sheffield.

HEALEY, JOHN, Shopkeeper, Northampton. Sept. 18. Trustees, J. Perry, Jun., Maltster, and T. Purser, Baker, Northampton. Sol. Shoemills, Northampton.

JUDD, ALFRED, Leather Seller, 9, Robert-street, Grosvenor-square, Middlesex. Sept. 8. Trustees, J. Paul, Accountant, Coleman-street, London. Sol. Hackwood, 7, Walbrook, London.

LEVICK, ROBERT, Elastic Web Manufacturer, Arnot Hill, Arnold, Nottinghamshire, carrying on business at New Basford, Nottinghamshire. Aug. 30. Trustees, J. Batt, Silk Merchant, 39, Old Broad-street, London; W. Savile, Hosier, Nottingham. Sol. Shilton, Nottingham.

MELVIN, JAMES JOSEPH, Accountant, Manchester. Sept. 11. Trustees, W. T. Gregory, Agent, Manchester; J. Williams, Druggist, Manchester; J. Brindle, Agent, Manchester. Sol. Atherston, 31, King-street, Manchester.

FRY, RICHARD BLACKMORE, Tailor, Flahmonger-alley, Billiter-square, London. Aug. 27. *Trustees*, R. C. Randall, Warehouseman, Cheap-side; E. Firih, Warehouseman, Aldgate High-street, London. *Sol.* Mardon, 99, Newgate-street, London.

POPELWELL, FREDERICK, Hatter, 108, St. James-street, Brighton, Sussex. Sept. 11. *Trustees*, P. Popelwell, Warehouseman, Aldermanbury, London; H. Brown, Warehouseman, Wood-street, London. *Sol.* Wild, 104, Ironmonger-Lane, Cheapside, London.

REYNOLDS, THOMAS, Dealer in Wine, Spirits, & Beer, 2, Ribbury-street, Plymouth, Devonshire. Sept. 11. *Trustees*, J. Jackson, Yeoman, Clonock, Beer Ferris, Devonshire. *Sol.* Greenway, Plymouth.

ROBINSON, GEORGE, Tailor & Draper, College-stre 4, Swansea, Glamorgan-shire. Sept. 8. *Trustees*, J. T. Fisher, Cloth Manufacturer, Narsden Mills, Huddersfield; W. Butterfield, Warehouseman, 49, Piccadilly, Manchester. *Sol.* Goodere, Swansea.

SIMMONS, ARTHUR WILLIAM, East India Agent, 9, Arthur-street West, London-bridge, London. Sept. 10. *Trustees*, R. Waters, Merchant, 2, Martin's-lane, Cannon-street, London; J. Stewart, Merchant, 3, Philip-lane, London; W. Wild, Merchant, Martin's-lane, London. *Sols.* Evans & Phillips, 72, Coleman-street.

WATTS, WILLIAM HALL, Coal & Coke Dealer, Aston-juxta-Birmingham, Warwickshire. Sept. 6. *Trustees*, F. Barber, Coal Master, Ectington, Derbyshire; S. Spruce, Coal Master, Glascoate Colliery, Tamworth, Staffordshire. *Sols.* Collis & Ure, 38, Bennett's-hill, Birmingham.

WEEKES, JOHN, Tobacconist, & Dealer in Cigars, 28, North-street, Brighton, Sussex. Sept. 1. *Trustees*, J. Hill, Wholesale Tobacconist, 176 and 177, Shoreditch, Middlesex; J. White, Wholesale Tobacconist, 213, Shoreditch. *Sol.* Hackwood, 7, Walbrook, London.

FRIDAY, Sept. 23, 1860.

ANDREWS, THOMAS JOSEPH, & **EDWARD HOWELL ANDREWS**, Drapers, Wolverhampton (Andrews' Brothers). Sept. 6. *Trustees*, Sir James Watts, Knight, and Philip Gillibrand, Merchants, Manchester. *Sol.* Langman, Wolverhampton.

BOWEN, WILLIAM HENRY, Woollen Manufacturer, Rochdale. Sept. 13. *Trustees*, J. Walker, Woolstapler, Rochdale; G. Whitworth, Accountant, Manchester. *Sols.* J. B. & E. Whitworth, 2, St. James's-square, Manchester.

MILWARD, EDMUND, Innkeeper, Cambridge. Sept. 1. *Trustee*, F. Bailey, Common Brewer & Wine & Spirit Merchant, Cambridge. *Sol.* Hunt, Cambridge.

PATTERSON, JOHN, Boot & Shoe Dealer, North Shields and South Shields. Sept. 25. *Trustees*, G. Lewthwaite, Leather Merchant, South Shields, G. Hogg, Currier, North Shields. *Sols.* Fenwick & Falconer, 19, Clayton-street, Newcastle-upon-Tyne.

ROBINSON, JOHN, Shirt Maker, Adde-street, London. Sept. 17. *Trustee*, E. G. Morley, Warehouseman, Gutter-lane, London. *Sol.* Jones, 15, Sme-lane, London.

TRIPP, JOHN, Cross-street, Walworth (surviving partner of the firm of Tripp & Son). Aug. 31. *Trustees*, R. Cobb, Broker, 11, Lime-street, London; N. Soames, Tallow Broker, 80, Old Broad-street, London. *Sol.* Harcourt, 2, King's Arms-yard, London.

WINGEARS, MATTHEW HENRY, Straw Hat Manufacturer, 31, Jewin-street, London. Sept. 1. *Trustee*, G. Slade, Straw Hat Manufacturer, Saint Albans, Hertfordshire. *Sol.* Mardon, 99, Newgate-street, London.

Bankrupts.

TUESDAY, Sept. 25, 1860.

ARNELL, JAMES, Contractor, Seven Sisters-road, Upper Holloway, Middlesex. *Com.* Evans: Oct. 6, at 11:30; and Nov. 13, at 11; Basinghall-street. *Off. Ass.* Bell. *Sol.* Proudfoot, 24, John-street, Bedford-row. *Pat.* Sept. 24.

CARRWELL, GEORGE, Innkeeper, Shrewsbury, Salop. *Com.* Sanders: Oct. 5 and 26, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Kough & Son, Shrewsbury; or Collis & Ure, Birmingham. *Pat.* Sept. 19.

COT, JOSEPH EBENEZER, Dealer in Stone Ware Pipes & Cement, 1 and 2, High-street, Lambeth, Surrey. *Com.* Evans: Oct. 6, at 11; and Nov. 8, at 1:30; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Robinson, 17, Ironmonger-lane. *Pat.* Sept. 24.

CRABER, GEORGE, Merchant & Commission Agent, Liverpool. *Com.* Perry: Oct. 6 and 29, at 11; Liverpool. *Off. Ass.* Bird. *Sol.* Duke, Liverpool. *Pat.* Sept. 24.

FRANK, EDWARD, Butcher, Petty Curry, Cambridge. *Com.* Goulburn: Oct. 8, at 2; and Nov. 8, at 2:30; Basinghall-street. *Off. Ass.* Fen neli. *Sols.* Doyle, 2, Verulam-buildings, Gray's-Imm, London; or Fitch, Cambridge. *Pat.* Sept. 14.

JONES, DANIEL, Coach Builder, Wrexham, Denbighshire. *Com.* Perry: Oct. 3 and 29, at 12; Liverpool. *Off. Ass.* Cazenove. *Sols.* Bucktin, Wrexham; or Evans, Son, & Sandys, Liverpool. *Pat.* Sept. 20.

JULIAN, JOHN, Wholesale Milliner & Fancy Manufacturer, 9, Noble-street, Falcon-square, London. *Com.* Goulburn: Oct. 8, at 1; and Nov. 8, at 2; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Buchanan, 13, Basinghall-street, London. *Pat.* Sept. 22.

MARNS, GEORGE THOMAS, Rope Maker, Arbour-place, Fairfields, Stepney, Middlesex. *Com.* Goulburn: Oct. 8, and Nov. 17, at 11; Basinghall-street. *Off. Ass.* Pennell. *Sol.* Angell, 23, King street, Cheapside. *Pat.* Sept. 14.

POVET, JOSEPH, Innkeeper, Warwick. *Com.* Sanders: Oct. 8 and 29, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Collis & Ure, Birmingham. *Pat.* Sept. 22.

RANGE, EDGAR ROBERT, Wine Cooper & Bottle Beer Merchant, 10, Bond-court, Walbrook, 67, Upper Thames-street, London, and Gloucester-entage, Peckham, Surrey. *Com.* Evans: Oct. 6, at 1; and Nov. 6, at 2; Basinghall-street. *Off. Ass.* Bell. *Sol.* Elaby, 6, Pancras-lane. *Pat.* Sept. 22.

ROBINSON, SAMUEL, Hotel Keeper, Wine & Spirit Merchant, White Swan Hotel, York. *Com.* West: Oct. 12, and Nov. 2, at 11; Leeds. *Off. Ass.* Young. *Sols.* Michael, 7, Old Jewry-chambers, London; Blackburn & Son, Leeds. *Pat.* Sept. 18.

ROE, THOMAS, Draper, 50, East Emma-place, East Stomhouse, Devon-shire. Oct. 9, and Nov. 5, at 12:30; Plymouth. *Off. Ass.* Hirtzel. *Sols.* Fowler, Plymouth; or Fryer, Exeter. *Pat.* Sept. 22.

SEAGOOD, OLIVER ALFRED, & **HENRY WILLIS SMITH**, Builders & Contractors, Wellington-road, Holloway, Middlesex. *Com.* Evans: Oct. 6, at 12; and Nov. 8, at 11; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Pearpoint, 50, Leicester-square. *Pat.* Sept. 20.

THORNHILL, JOHN, Awl Blade Manufacturer, Sheffield (Thornhill Brothers). *Com.* West: Oct. 6, and Nov. 3, at 10; Sheffield. *Off. Ass.* Brewin. *Sols.* Southall & Nelson, Birmingham. *Pat.* Sept. 13.

WALTERS, PHILIP, Auctioneer, Wolverhampton. *Com.* Sanders: Oct. 5 and 26, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* James & Knight, Birmingham; Thorne, Wolverhampton; or Chamblay, Wolverhampton. *Pat.* Sept. 24.

WITTERHEAD, THOMAS, Tailor, 55, Duke-street, Smithfield, London. *Com.* Goulburn: Oct. 8, at 12:30; and Nov. 9, at 12; Basinghall-street. *Off. Ass.* Pennell. *Sols.* Terrell & Chamberlain, 30, Basinghall-street, London. *Pat.* Sept. 15.

WILSON, WILLIAM, Currier & Leather Cutter, Thirsk and Northallerton, Yorkshire. *Com.* West: Oct. 5, and Nov. 2, at 11; Leeds. *Off. Ass.* Young. *Sols.* North & Son, Leeds. *Pat.* Sept. 14.

WITHERSPOON, JOSEPH, Draper, Cheltenham, Gloucestershire. *Com.* Hill: Oct. 5, and Nov. 6, at 11; Bristol. *Off. Ass.* Miller. *Sols.* Ashurst, Son, & Morris, London; or Bevan, Gilling, & Press, Bristol. *Pat.* Sept. 14.

FRIDAY, Sept. 28, 1860.

ADAMS, ROBERT FOLKHEAD, Pipe Maker, Stowmarket, Suffolk. *Com.* East: Oct. 9, at 12:30; and Nov. 12, at 1; Basinghall-street. *Off. Ass.* Bell. *Sols.* Clifton & Burton, 7, Chancery-lane. *Pat.* Sept. 19.

ASHDOWN, JOHN, Draper, 3, Portford-terrace, Malden, Kentish-town, Middlesex. *Com.* Evans: Oct. 11, at 11:30; and Nov. 16, at 12; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Heather, Paternoster-row. *Pat.* Sept. 25.

ELLIOTT, WILLIAM, Builder, Church-street, Chelsea, and 5, Oxford-terrace, King's-road, Chelsea, Middlesex. *Com.* Evans: Oct. 11, at 12:30; and Nov. 16, at 1; Basinghall-street. *Off. Ass.* Bell. *Sols.* Lawrence, Fives & Boyer, Old Jewry-chambers. *Pat.* Sept. 28.

FOXCROTT, WILLIAM, & **GEORGE WELLOCK**, jun., Cotton Spinners, Heckmondwike, Yorkshire. *Com.* West: Oct. 12, and Nov. 8, at 11; Leeds. *Off. Ass.* Young. *Sols.* Earle, Son, Hopps, & Orford, Manchester; or Bond & Barwick, Leeds.

JOHNSTONE, FREDERICK, Boarding & Lodging House Keeper, 46, East-bourne-terrace, Paddington, and 10, Curzon-street, Mayfair, Middlesex. *Com.* Evans: Oct. 11, and Nov. 16, at 11; Basinghall-street. *Off. Ass.* Johnson. *Sol.* E. Howard, 66, Paternoster-row. *Pat.* Sept. 22.

LEAB, CHARLES FRANKSON, Baker, Green, & Shopkeeper, Fishponds, Gloucestershire. *Com.* Hill: Oct. 9, and Nov. 13, at 11; Bristol. *Off. Ass.* Acraman. *Sol.* Henderson, Bristol. *Pat.* Sept. 21.

LENO, JOHN, Licensed Victualler, Maltster, & Common Brewer, Bridlington Quay, East Riding, Yorkshire. *Com.* Ayrton: Oct. 17, and Nov. 7, at 12; Kingston-upon-Hull. *Off. Ass.* Carrick. *Sols.* England & Roberts, Kingston-upon-Hull. *Pat.* Sept. 26.

LINDOP, EDWIN, Farmer, Publican, & Innkeeper, Knighton, Muckleston, Staffordshire. *Com.* Sanders: Oct. 12, and Nov. 2, at 11; Birmingham. *Off. Ass.* Kinnear. *Sols.* Stevenson, Stoke-upon-Trent, or E. & H. Wright, Birmingham. *Pat.* Sept. 18.

MILLER, MARKS LEOPOLD, Watch Manufacturer & Dealer in Jewellery, 9, Aldermanbury Postern, London. *Com.* Evans: Oct. 6, and Nov. 13, at 12; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Solomon, 22, Finsbury-place. *Pat.* Sept. 24.

PHILLIPSON, JOSEPH, Milliner & Dealer in Fancy Goods, Newcastle-upon-Tyne. *Com.* Ellison: Oct. 9, and Nov. 7, at 12; Newcastle-upon-Tyne. *Off. Ass.* Baker. *Sols.* Joel, Newcastle-upon-Tyne, or Hoyle, 109, Lead-canal-street, London. *Pat.* Sept. 20.

SELKE, ISIDOR, Provision Merchant, 4, Postern-row, Tower-hill, Middlesex. *Com.* Evans: Oct. 9, at 11:30, and Nov. 13, at 12; Basinghall-street. *Off. Ass.* Bell. *Sol.* Henderson, 22, Leadcanal-street. *Pat.* Sept. 25.

SHIPLEY, FRANCIS EDWARD, jun., Brickmaker, Giltbrook, Notts. *Com.* Sanders: Oct. 9, and Nov. 1, at 11; Nottingham. *Off. Ass.* Harris. *Sol.* Coope, Nottingham. *Pat.* Sept. 27.

SMITH, WILLIAM, & **ROBERT WALLS SINCLAIR**, Linen Factors, 10, Pancras-lane, London (Smith, Sinclair, & Co.). *Com.* Evans: Oct. 9, at 11, and Nov. 19, at 2; Basinghall-street. *Off. Ass.* Johnson. *Sols.* J. & J. H. Linklaters & Hackwood, Walbrook, and Langford & Marsden, 59, Friday-street, Cheapside. *Pat.* Sept. 26.

TAYLOR, GEORGE, Timber Merchant, West Bromwich, Stafford. *Com.* Sanders: Oct. 12, & Nov. 2, at 11; Birmingham. *Off. Ass.* Whitmore. *Sols.* Turner, Wolverhampton, or Smith, Birmingham. *Pat.* Sept. 23.

TECK, CHARLES, Butcher, Ely, Cambridgeshire. *Com.* Evans: Oct. 8, at 1:30, & Nov. 15, at 12; Basinghall-street. *Off. Ass.* Bell. *Sols.* Sole, Tipton, & Turner, Aldermanbury. *Pat.* Sept. 26.

WILLIAMS, JAMES, Upholsterer, Cabinet Maker, & House Agent, 11, Finsbury-pavement, London. *Com.* Fane: Oct. 12 & Nov. 9, at 11; Basinghall-street. *Off. Ass.* Cannan. *Sols.* Lawrence, Pews, & Boyer, 14, Old Jewry-chambers, Old Jewry. *Pat.* Aug. 9.

YAKLEY, JOHN, Farrier & Cab Proprietor, Providence-yard, Vauxhall-bridge-road, Westminster. *Com.* Evans: Oct. 9, at 1:30, & Nov. 19, at 11:30; Basinghall-street. *Off. Ass.* Johnson. *Sol.* Murrough, 5, New-inn, Strand. *Pat.* Sept. 27.

BANKRUPTCY ANNULLED.

FRIDAY, Sept. 23, 1860.

FULFORD, JOSEPH, Maltster, Birmingham, and Maltster & Cattle Dealer, Great Barr, Staffordshire. Sept. 1.

MEETINGS FOR PROOF OF DEBTS.

TUESDAY, Sept. 25, 1860.

BALLES, JOSEPH, Leather Seller, Newcastle-upon-Tyne. Oct. 19, at 12:30; Newcastle-upon-Tyne. — **BALLARD, CHARLES**, Shoe Manufacturer, 9, Brownlow-place, Queen's-road, Dalston, Middlesex. Oct. 16, at 11:30; Basinghall-street. — **BOSHELL, FREDERICK**, Seeldman & Florist, 86, High street, Southwark, Surrey (Clarke & Co.). Oct. 17, at 1; Basinghall-street. — **EVANS, NATHANIEL WILLIAM**, & **ROBERT BENDONNE EVANS**, Tanners, Colyton, Devonshire. Nov. 21, at 11; Exeter. — **LIVINGS, THOMAS**, Licensed Victualler, Stag Public House, Brockley-walk, Homerton, Middlesex. Oct. 17, at 12; Basinghall-street. — **MILLINGS,**

CHARLES, Umbrella & Parasol Manufacturer & Dealer, 22, Fore-street, London. Oct. 17, at 11.30; Basinghall-street.—STEVENS, JAMES, Hatter, Newcastle-upon-Tyne. Oct. 19, at 12; Newcastle-upon-Tyne.—WIGGLESWORTH, GEORGE, Leather Dresser, Richardson-street, Bermondsey, Surrey. Oct. 16, at 11; Basinghall-street.

FRIDAY, Sept. 28, 1860.

ALEXANDER, JACOB ALEXANDER, China Dealer, Silversmith, & General Factor, 121, Fore-street-hill, St. John's, Exeter. Oct. 24, at 1; Exeter.—AXFORD, JOHN, & CHARLES GREENSLADE, Timber & Slate Merchants, Bridgewater, Somersetshire (Axford & Co.). Oct. 24, at 1; Exeter.—BARNES, RICHARD, Shoe Manufacturer & Publican, Norwich. Oct. 19, at 1; Basinghall-street.—BASSETT, WILLIAM STEPHEN CHARLES WHITE, Grocer & Tea Dealer, Sheerness, Kent. Oct. 22, at 1; Basinghall-street.—BREMEN, SAMUEL OYLER, Wine, Spirit, & Beer Merchant, Coal Exchange Cellars, Lower Thames-street, London. Oct. 20, at 11; Basinghall-street.—BENNETT, JOHN, Coat Dealer, Birmingham. Oct. 20, at 11; Birmingham.—BOSWELL, WILLIAM, Licensed Victualler, Birmingham. Oct. 22, at 11; Birmingham.—BUSHELL, JOSEPH, & ALFRED WALKER, Manufacturers, 93, Wood-street, London. Oct. 20, at 11; Basinghall-street.—CASWELL, BRAFIELD, Boot & Shoe Manufacturer, Mare Fair, Northampton. Oct. 22, at 2; Basinghall-street.—EDWARDS, GAFFITH, Cartier, Gellyucha, Bridell, Pembrokehire. Oct. 25, at 11; Bristol.—HASTED, WILLIAM, Butcher, Alresford, Hants. Oct. 22, at 12.30; Basinghall-street.—HATHMAN, EDMUND, Fruiterer & Greengrocer & Potato Dealer, 6, South Molton-street, Grosvenor-square, Middlesex. Oct. 19, at 1.30; Basinghall-street.—HOWES, JAMES VINCENT, Leather Seller, 31, Chiswell-street, Middlesex. Oct. 19, at 2; Basinghall-street.—JONES, EDMUND, Hosier, 135, Fenchurch-street, London, and Forden Cottage, East Dulwich, Surrey. Oct. 19, at 1; Basinghall-street.—OUTTILM, JAMES JOHN STEPHENSON, Ladies' Outfitter & Baby Linen Warehouseman, Oakley-terrace, Old Kent-road, Surrey. Oct. 19, at 11; Basinghall-street.—TAGG, JOHN JAMES, Innkeeper & Brewer, Bear-hotel, Reading, Berkshire. Oct. 22, at 11.30; Basinghall-street.—THOMPSON, JOSEPH, jun., Plumber, Glazier, Painter, & Paperhanger, Dudley, Worcestershire. Oct. 22, at 11; Birmingham.—WILSON, HENRY JAMES, Surgeon & Apothecary, Whitchurch, Salop. Oct. 29, at 11; Birmingham.

CERTIFICATES.

To be ALLOWED, unless Notice be given, and Cause shown on Day of Meeting.

TUESDAY, Sept. 25, 1860.

ARMYTON, JOHN, Builder & Contractor, St. Paul's-road, Highbury, and Coffee-house Keeper, King-cross, Holloway, Middlesex. Oct. 18, at 11; Basinghall-street.—AXFORD, JOHN, & CHARLES GREENSLADE, Timber & Slate Merchants, Bridgewater, Somersetshire (Axford & Co.). Nov. 2, at 11; Exeter.—AXTELL, JAMES ALFRED, WILLIAM RUDD KNIGHTS, & WILLIAM AXTELL, Tanners, 1, White's-ground, Bermondsey, Surrey, and St. Neot's, Huntingdonshire. Oct. 16, at 1; Basinghall-street.—GOODWIN, WILLIAM GRINKLING, Draper, 17, Upper Marylebone-street, Middlesex. Oct. 18, at 11.30; Basinghall-street.—HEAFFORD, RICHARD, Auctioneer, & Corn Factor, Loughborough, Leicestershire. Nov. 6, at 11.30; Nottingham.—JONES, JOHN WARD, & SIGMUND DRUCKSTEIN, Merchants, Great St. Thomas Apostle, London. Oct. 17, at 12; Basinghall-street.—KIALMARK, GEORGE WILLIAM BRYANT, Cement Manufacturer, Puriton, Somersetshire. Nov. 6, at 1; Exeter.—PALMER, JAMES, Ironmonger, Gloucester. Oct. 16, at 11; Bristol.—PALMER, THOMAS, & SAMUEL PALMER, Drapers, 30, Old Town-street, Plymouth. Oct. 20, at 12.30; Plymouth.—PEACH, SAMUEL, Draper & Lace Dealer, Snelinton, Notts. Nov. 6, at 11.30; Nottingham.—PIZZALA, FRANCIS AUGUSTUS, & MATTHEW CHARLES GREENE, Looking Glass Manufacturers, 19, Hatton-garden, Middlesex. Oct. 17, at 12.30; Basinghall-street.—ROSE, JOHN, Draper, Truro, Cornwall. Nov. 2, at 1; Exeter.—SEXTON, HORACE WATLING, Builder, Bricklayer, & Carpenter, St. Andrew's Hall Plain, Norwich, but late of Lower Westwick-street, same city. Oct. 18, at 11; Basinghall-street.—SEXTON, ROBERT WATLING, Builder, Norwich. Oct. 18, at 11; Basinghall-street.

FRIDAY, Sept. 28, 1860.

BREMEN, SAMUEL OYLER, Wine, Spirit, & Beer Merchant, Coal Exchange-cellars, Lower Thames-street, London. Oct. 19, at 11.30; Basinghall-street.—BURN, EDMUND JOHN, jun., Stationer, 40, Ship-street, Brighton, Sussex. Oct. 20, at 12; Basinghall-street.—COLLINS, CHARLES THOMAS, Wine Merchant, Worcester, and 137, Fenchurch-street, London. Nov. 2, at 11; Birmingham.—JACKSON, ARTHUR, & RICHARD MICHELL EASTMAN, Brokers & Commission Agents, Liverpool (Jackson & Eastman). Oct. 19, at 11; Liverpool.—HALL, JAMES, Innkeeper & Brick Maker, Monmouth, and Newland, Gloucestershire. Oct. 22, at 11; Bristol.—HORROCKS, RICHARD, Baker & Flour Dealer, Liverpool. Oct. 19, at 12; Liverpool.—HOWES, JAMES VINCENT, Leather Seller, 31, Chiswell-street, Middlesex. Oct. 19, at 2; Basinghall-street.—KNIGHT, WILLIAM, Cowkeeper, & Dairyman, 13, Portobello-terrace, Kensington-park, and Princes Dairy, Hereford-road, Bayswater, Middlesex. Oct. 22, at 11.30; Basinghall-street.—PAGE, JOHN, Licensed Victualler & Farmer, Tong Norton, Tong, Salop. Nov. 2, at 11; Birmingham.—PAICE, JOHN, Draper, General Shop Keeper, & Manager of a Shop, Aberterilly, Aberystwith, Monmouthshire. Oct. 23, at 11; Bristol.—REEVES, GEORGE, jun., Riding Master, Livery Stable Keeper, & Horse Dealer, Cheltenham. Nov. 6, at 11; Bristol.—RICHARDSON, THOMAS CHARLTON, Druggist, West Auckland, Durham. Oct. 24, at 12; Newcastle-upon-Tyne.—WATSON, ROBERT, & CHARLES WILLIAM WATSON, Carriers & Boot & Shoe Manufacturers, Kettering, Northamptonshire (C. W. Watson & Co.). Oct. 19, at 12.30; Basinghall-street.—WINGRAVE, JONAH DICKENS, & THOMAS WILLIAM WOOD, Straw Plait Manufacturers, St. Albans, Hertfordshire, and Luton, Bedfordshire (J. D. Wingrave & Wood). Oct. 19, at 11.30; Basinghall-street.

To be DELIVERED, unless APPEAL be duly entered.

TUESDAY, Sept. 25, 1860.

AYDON, ELIZABETH, & THOMAS WILLIAM FERGUSON, Grocers & Tea Dealers, Newcastle-upon-Tyne (Aydon & Ferguson). Sept. 20, 3rd class, Elizabeth Aydon, subject to suspension until Aug. 17, 1861, same time, 3rd class, Thomas William Ferguson, subject to suspension until Aug. 17, 1863.—BONSER, THOMAS, Auctioneer, Plinarg, Leicestershire.

Sept. 19, 1st class.—BROOKES, THOMAS, Innkeeper, Birmingham. Sept. 13, 2nd class.—CHERRINGTON, BARNETT, Druggist & Printer, Deering, Lincolnshire. Sept. 12, 2nd class.—COLEMAN, EDWARD HATFIELD, Surgeon & Apothecary, Wolverhampton. Sept. 13, 2nd class, after a suspension of three months.—FENN, WILLIAM, Underwriter & Insurance Broker, 11, New Broad-street, London, and late of Lloyd's Coffee-house, Royal Exchange. Sept. 20, 2nd class.—HALL, SHIRLEY, Carpenter & Builder, Oldswinford, Worcestershire. Sept. 13, 3rd class.—HILLIARD, WILLIAM, otherwise WILLIAM HILLIARD BEVIS, Malster, Burchell, Southampton. Sept. 20, 2nd class.—HOLLAND, JOSEPH, & SAMUEL HENRY HOLLAND, Printers & Paper Dealers, Birmingham (Joseph Holland & Son). Sept. 13, 2nd class.—LEVY, LEWIS, Merchant, formerly of Savannah, United States of America, and late of Gravel-lane, London. Sept. 21, 2nd class.—LIGHTFOOT, THOMAS, Shipbuilder, Sunderland, Durham. Sept. 20, 3rd class.—MOWBRAY, JOHN, Miller & Baker, Sherwood-rise, Radford, Notts. Sept. 12, 2nd class.—PAYNE, THOMAS, Grocer & Tea Dealer, King's-heath, Worcestershire, and Birmingham. Sept. 13, 2nd class.—UNWIN, WILLIAM HENRY, & JOSEPH GREENWOOD, Builders, Henry-street, Limehouse, Middlesex, but late of Sheen-mountain, East Sheen, Surrey. Sept. 18, 2nd class, after a suspension of three months.—VERNON, THOMAS WILLIAM, Coal & Iron Master, Bilston, Staffordshire, and Sparkbrook, Worcestershire. Sept. 13, 2nd class.—YOUNG, WILLIAM GEORGE, Brewer, Bangor, Carnarvonshire. Sept. 17, 2nd class, subject to a suspension for four months.

FRIDAY, Sept. 28, 1860.

BAXTER, SAMUEL, Ships' Smith, Windlass & Capstan Manufacturer, & Minories, London, and Glasshouse-street, Upper East Smithfield. Sept. 21, 2nd class.—BOTDEN, THOMAS, & JOSEPH EDWARD MANSFORD, Musicians, 7, Cullum-street, London (Boyd & Mansford). Sept. 25, 2nd class.—HARRISON, THOMAS, Tailor & Draper, Henley-upon-Thames. Sept. 25, 1st class.—SANDFORD, GEORGE JOSEPH, Linen Draper, Hoxley, Haberdasher, 85, High-street, Marylebone, and 37A, Clerkenwell-green, Middlesex. Sept. 25, 2nd class; after a suspension of six months.

Scotch Sequestrations.

TUESDAY, Sept. 25, 1860.

BROWN, JAMES, Bookseller, Stationer, & Printer, Hamilton, Lanarkshire. Oct. 2, at 12; Sheriff-Court-house, Hamilton. Sept. 19.—MACKINTOSH, or GARDEN, Mrs SIMONA, Dingwall. Oct. 1, at 2; Nairn Hotel, Dingwall. Sept. 20.—MOODIE, DAVID, Joiner & Cabinet Maker, Glasgow. Oct. 2, at 12; Glasgow Hotel George-square, Glasgow. Sept. 21.—SWAN, ROBERT, Contractor & Builder, Shawlands, near Pollok, Renfrewshire. Oct. 5, at 2; County Hotel, Paisley. Sept. 20.—WARD, JOHN, Grocer & Draper, Port-Glasgow. Oct. 4, at 12; Argyle Hotel, Port-Glasgow. Sept. 22.

FRIDAY, Sept. 28, 1860.

COUPER, ALEXANDER, Farmer, Drumfolds, Old Rain. Oct. 4, at 12; Royal hotel, Aberdeen. Sept. 22.—LOW, ARCHIBALD, Plumber, Partick, near Glasgow (Archibald Low & Co.). Oct. 2, at 12; Faculty Hall, St. George's-place, Glasgow. Sept. 25.—SOMMERVILLE, THOMAS, sometime Wool Merchant, Glasgow, now Salesman there, as an individual, and as a partner of the late firm of Thomas Somerville & Co., Wool Spinners and Merchants, Glasgow. Oct. 4, at 12; Faculty Hall, St. George's-place, Glasgow. Sept. 25.

BRITISH MUTUAL INVESTMENT, LOAN AND DISCOUNT COMPANY (Limited),

17, NEW BRIDGE-STREET, BLACKFRIARS, LONDON, E.C.

Capital, £100,000, in 10,000 shares of £10 each.

CHAIRMAN.

METCALF HOPGOOD, Esq., Bishopsgate-street.

SOLICITORS.

Messrs. COBOLD & PATTESON, 3, Bedford-row.

MANAGER.

CHARLES JAMES THICKE, Esq., 17, New Bridge-street.

INVESTMENTS.—The present rate of interest on money deposited on the Company for fixed periods, or subject to an agreed notice of withdrawal is 5 per cent. The investment being secured by a subscribed capital of £35,000, £70,000 of which is not yet called up.

LOANS.—Advances are made, in sums from £25 to £1,000, on approved personal and other security, repayable by easy instalments, extending over any period not exceeding 10 years.

Prospectuses fully detailing the operations of the Company, forms of proposal for Loans, and every information, may be obtained on application to

JOSEPH K. JACKSON, Secretary.

65, QUEEN STREET,
LONDON, 23rd AUGUST, 1860.

Messrs. R. WOTHERSPOON & Co.,
46, Dunlop Street, Glasgow.

DEAR SIR,

I have, as requested, to-day visited the Royal Laundry, with reference to the Advertisement of the Nottingham firm, who state that their Starch has been used for many years in the Royal Laundry, and have been assured by Mr. Thompson, the Superintendent, that none but yourselves have any right to state that they supply Starch to Her Majesty's Laundry, as no other Starch is there used, nor has been used for many years, but the Glenfield Patent Starch.

I have been further assured that your Starch continues to give complete satisfaction, and that though trial has been made of samples of various Starches, none of these have been found nearly equal in quality to the Glenfield.

I am, Dear Sir,

Your obedient Servant.

WM. BLACK.

